PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AGENDA

SEPTEMBER 26, 2006

Α.	ADO	PTIO:	N OF A	GENDA

B. APPROVAL OF MINUTES

CONSENT

C. RESOLUTIONS

Claims with favorable recommendations:

- 06-R-2077 (1) Claim of **Ryan Rocco**, for damages alleged to have been sustained as a result of a tree falling on his property on July 16, 2006 at 1998 Whittier Avenue, NW. **\$850.00**
- O6-R-2078 (2) Claim of **Dee Stone**, for damages alleged to have been sustained during the repair of a storm sewer main on January 10, 2006 at 912 West Wesley Road, NW. **\$577.60**
- O6-R-2079 (3) Claim of **Southeast Link**, for damages alleged to have been sustained as a result of a vehicular accident on June 19, 2006 at Capitol Avenue at Capitol Square. **\$2,120.71**
- O6-R-2080 (4) Claim of <u>The Hartford, as subrogee of Roy Lee</u>, for damages alleged to have been sustained as a result of a vehicular accident on May 12, 2006 at 2690 Metropolitan Parkway, SW. <u>\$1,246.78</u>
- O6-R-2081 (5) Claim of **Jason T. McElroy**, for vehicular damages alleged to have been sustained as a result of a vehicular accident on September 6, 2006 at North Henry Boulevard and Highway 42.
- 06-R-2082 (6) Claim of **Fecheimer Brothers Company**, for damages alleged to have been sustained as a result of a vehicular accident on June 6, 2006 at 1315 Chattahoochee Avenue, NW. **\$3339.63**

Public Safety and Legal Administration Committee Agenda September 26, 2006 Page Two

RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

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06-R-2083 (7)	Claim of Sheryl Ferrell , for damages alleged to have been sustained as a result of an automobile accident on August 18, 2006 at 1120 North Avenue. \$1,307.00
06-R-2084 (8)	Claim of <u>Tiffany D. Hatchett, through her attorney, Delisa Williams, PC.</u> , for bodily injuries alleged to have been sustained from an automobile accident on March 1, 2006 at Freedom Parkway, NE and North Avenue, NE. <u>\$8,000.00</u>
06-R-2085 (9)	Claim of <u>Michelle Smith</u> , for vehicular damages alleged to have been sustained when an automobile was driven over a defective gate system on May 19, 2006 on Park Drive at Chastain Park. <u>\$600.00</u>
06-R-2086 (10)	Claim of Anne Gannon , for damages alleged to have been sustained as a result of a vehicular accident on January 3, 2006 at 466 Seminole Avenue. §833.26
06-R-2087 (11)	Claim of <u>Travise Farmer</u> , through her attorney, William F. <u>Heitmann</u> , III, for vehicle damages alleged to have been sustained as a result of driving over an unsecured metal plate on February 25, 2005 at Sylvan Road and Dill Avenue. <u>\$8,900.00</u>
06-R-2088 (12)	Claim of Robert Rolax , for damages alleged to have been sustained as a result of a sewer backup on July 8, 2006 at 395 Griffin Street. \$1,554.26
06-R-2108 (13)	Claim of State Farm Insurance Company, as surbrogee of Virender Chhabra and Akhil Chhabra, for damages alleged to have been sustained as a result of a vehicular accident on April 11, 2006 at Courtland Street at Auburn Avenue. \$12,757.14

Public Safety and Legal Administration Committee Agenda September 26, 2006 Page Three

RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 06-R-2109 (14) Claim of **Karla Floyd**, for damages alleged to have been sustained as a result of a vehicular accident on August 21, 2006 at 1300 Inner Loop Road. **§916.22**
- O6-R-2110 (15) Claim of <u>State Farm Insurance Company</u>, as <u>subrogee of Victor Taylor</u>, for damages alleged to have been sustained as a result of a vehicular accident on May 12, 2006 at Southside Industrial Parkway and Zip Industrial Boulevard. \$1,209.60

Claims with unfavorable recommendations:

- 06-R-2089 (16) Claim of <u>MARTA</u>, for damages alleged to have been sustained as a result of an automobile accident on June 7, 2006 at Peachtree Road and Peachtree Hills Avenue.
- O6-R-2090 (17) Claim of **Thomas Rogers**, for damages alleged to have been sustained as a result of construction being done for the Stockade Sewer Separation Project in April 2006 at 841 Ormewood Terrace.
- 06-R-2091 (18) Claim of **Nathan Bunderson**, for damages alleged to have been sustained as a result of a tree falling on August 5, 2006 at 1005 Atlantic Drive.
- O6-R-2092 (19) Claim of **Kenneth Perignat**, for damages alleged to have been sustained as a result of construction being done for the Stockade Sewer Separation Project in April 2006 at 870 Delmar Avenue.
- O6-R-2093 (20) Claim of Latitude Subrogation Services, as subrogee of Atlanta Federation of Musicians, for damages alleged to have been sustained due to a sink hole on November 13, 2005 at 551 Dutch Valley Road, NW.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- O6-R-2094 (21) Claim of <u>Progressive, through their insured, April L. Pallo</u>, for vehicular damages alleged to have been sustained from an automobile accident on March 20, 2005 at Courtland Avenue, NE and Pine Street, NE.
- 06-R-2095 (22) Claim of **Linda Howell**, for damages alleged to have been sustained as a result of a trip and fall on February 17, 2006 at 395 Piedmont Avenue, NE.
- O6-R-2096 (23) Claim of Sally Combs, through her attorney, Kimberly A. Sturm, Stack & Associates, P. C., for property damages alleged to have been sustained from storm water runoff on a continuous basis at 704 Gladstone Road, NW.
- O6-R-2097 (24) Claim of <u>Tameka Hicks, through her attorney</u>, <u>John Foy</u>, for damages alleged to have been sustained as a result of walking on an uncovered water meter box on February 15, 2006 at 400 Lindsay Street.
- 06-R-2098 (25) Claim of **Barbara A. Boardman**, for damages alleged to have been sustained as a result of striking an open construction cut on April 14, 2005 at 1101 Collier Road.
- O6-R-2099 (26) Claim of **Jonathan A. Strouth, through his attorney, Benjamin Y. Gerber**, for damages alleged to have been sustained as a result of a slip and fall incident on April 7, 2005 at Centennial Olympic Park Drive.
- 06-R-2100 (27) Claim of **Marcia E. Kinchen**, for vehicular damages alleged to have been sustained from an automobile accident on January 30, 2006 at 2736 Hedgewood Drive.
- O6-R-2101 (28) Claim of **Shari D. Marquis, through her attorney, Roger F. Krause**, for damages alleged to have been sustained as a result of a fall on March 11, 2006 at Zoo Atlanta.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- O6-R-2102 (29) Claim of <u>A Betterway Leasing d/b/a Budget Rent A Car</u>, for damages alleged to have been sustained as a result of the sale of a recovered stolen vehicle on May 15, 2002 by A Tow, Inc.
- O6-R-2103 (30) Claim of Marcia Allvine, through her attorney, Horatio Edmondson, for damages alleged to have been sustained as a result of an arrest on October 24, 2005 at 425 14th Street.
- O6-R-2104 (31) Claim of Marc'quail Warren, through his attorney, John M. Foy, Foy & Associates, for bodily damages alleged to have been sustained after falling on ice that formed on the sidewalk due to a broken water line on December 22, 2005 on Hadlock Street.
- O6-R-2105 (32) Claim of Marchus Warren, through his attorney, John M. Foy, Foy & Associates, for bodily damages alleged to have been sustained after falling on ice that formed on the sidewalk due to a broken water line on December 22, 2005 on Hadlock Street.
- 06-R-2106 (33) Claim of **BellSouth**, for damages alleged to have been sustained during a water meter installation on April 6, 2005 at 4720 Guilford Forest Drive.
- 06-R-2111 (34) Claim of **ADM c/o Ken Atkins**, for damages alleged to have been sustained as a result of a private storm sewer collapse on September 8, 2004 at 818 Joseph E. Lowery.
- O6-R-2112 (35) Claim of **Cassandra Lampkin, through her attorney, Gina A. Clements, Esq.**, for damages alleged to have been sustained as a result of a carjacking on July 10, 2006 at 1093 West Avenue.
- 06-R-2113 (36) Claim of <u>Minnie Crowell</u>, for damages alleged to have been sustained as a result of an automobile accident on September 13, 2005 at 959 Falcon Drive.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

06-R-2114 (37) Claim of <u>Charles Lawrence</u>, for damages alleged to have been sustained as a result of an automobile accident on April 16, 2005 at 1250 Lynway Lane.

D. ORDINANCES FOR FIRST READING

- O6-O-2069 (1) An Ordinance by Public Safety and Legal Administration Committee amending the 2006 (Intergovernmental Grant Fund) Budget, Department of Police ("Department"), by transferring the remaining U. S. Department of Justice Grant Funds and Administrative Operations from Spelman College to the Mayor's Office of Weed and Seed in an amount not to exceed \$213,183.09; to continue the Project Safe Neighborhood Initiatives to prevent violent crime; and for other purposes.
- O6-O-2118 (2) An Ordinance by Public Safety and Legal Administration Committee to correct the Center Number in Ordinance Number 06-O-0541 adopted by the Atlanta City Council on March 20, 2006 and approved by the Mayor on March 28, 2006; and for other purposes.

E. ORDINANCES FOR SECOND READING

- O6-O-2019 (1) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 150, Article IV, Division III, Section 150-131 (b) of the City of Atlanta Code of Ordinances, to delete the phrase "Special Police Officers" and replace it with "Code Enforcement Agents"; to waive conflicting ordinances; and for other purposes.
- O6-O-2020 (2) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 106, Article VI, Division III, Section 106-307 (b) of the City of Atlanta Code of Ordinances, to delete Special Officers from the list of employees authorized to carry a weapon; to waive conflicting ordinances; and for other purposes.

Public Safety and Legal Administration Committee Agenda September 26, 2006 Page Seven

ORDINANCES FOR SECOND READING (CONT'D)

- O6-O-2021 (3) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 98, Article II, Division 1, Section 98-51 of the City of Atlanta Code of Ordinances, entitled "Authorization for the Chief of Police to administer oath of office for Sworn Police Officers"; to delete the phrase "Special Police Officer(s)"; to waive conflicting ordinances; and for other purposes.
- O6-O-2022 (4) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 98, Article I, Section 98-1 of the City of Atlanta Code of Ordinances, entitled "Special Police Officers"; to rename these appointees, provide for their appointment, training and tenure, and clarify their roles and authority; to waive conflicting ordinances; and for other purposes.
- O6-O-2023 (5) An Ordinance by Public Safety and Legal Administration Committee amending Chapter 114, Article VI, Division 4, Section 114-572(a) of the Code of Ordinances of the City of Atlanta, Georgia entitled "Drug and/or Alcohol Analysis" as it pertains to Sworn Employees of the Departments of Police, Fire and Rescue, and Corrections; to waive conflicting ordinances; and for other purposes.
- O6-O-2024 (6) An Ordinance by Public Safety and Legal Administration Committee amending Chapter 114, Article VI, Division 4, Section 114-571 of the Code of Ordinances of the City of Atlanta, Georgia entitled "Supervisor's Responsibilities and Guidelines" as it pertains to Sworn Employees of the Departments of Police, Fire and Rescue, and Corrections; to waive conflicting ordinances; and for other purposes.
- O6-O-2025 (7) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 74, Article IX, Division 2, Section 74-440 of the City of Atlanta Code of Ordinances, entitled "Access and Inspection of Properties and Facilities", so that certain duly authorized agents of the Department of Watershed Management may become Code Enforcement Agents; to waive conflicting ordinances; and for other purposes.

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ORDINANCES FOR SECOND READING (CONT'D)

- O6-O-2026 (8) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 30, Article III, Division 1, Section 30-59 of the City of Atlanta Code of Ordinances, entitled "Compliance Investigators", so that compliance investigators are eligible to apply for status as Code Enforcement Agents; to waive conflicting ordinances; and for other purposes.
- O6-O-2027 (9) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 130, Article I, Section 130-2 (c) of the City of Atlanta Code of Ordinances, so that certain duly authorized agents of the Department of Public Works or other City Departments may become Code Enforcement Agents; to waive conflicting ordinances; and for other purposes.
- An Ordinance by Councilmember Cleta Winslow amending 06-0-2142 (10) (Intergovernmental Grant Fund) Budget, the 2006 of Police ("Department") adding Department by appropriations the amount anticipations and in \$70,000.00 for Grant Funds from the Georgia Emergency Management Agency in order to purchase portable police barricades for Homeland Security Preparedness; and for other purposes.

F. RESOLUTIONS

O6-R-2107 (1) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of the claim of Cynthia Mincey in the amount of \$735.85 against the City of Atlanta; and for other purposes.

Public Safety and Legal Administration Committee Agenda September 26, 2006 Page Nine

RESOLUTIONS (CONT'D)

A Resolution by Public Safety and Legal Administration 06-R-2130 (2) Committee authorizing the Mayor, on behalf of the of Police ("Department"), Department to execute Cooperative Purchasing Agreement pursuant to Chapter 2, Article X, Division 15, Section 2-1601, et seq. of the Code of Ordinances of the City of Atlanta, Georgia, utilizing State of Georgia Contract Number GS-07F-0223N, with the Highland Products Group, LLC., for the purchase of 940 portable police barricades in an amount not to exceed \$70,000.00; all contracted work shall be charged to and paid from Fund, 1B02 ((Intergovernmental Account and Center Number: Grant Fund) 521101 (Supplies-Consumable) X11T0790JCX0 (Portable Police Barricades); and for other purposes.

G. PAPERS HELD IN COMMITTEE

- O6-O-0204 (1) An Ordinance by Councilmember Jim Maddox to amend Article XXIV, Section 30-1461 et seq. of the Code of Ordinances of the City of Atlanta, Georgia entitled "Vending on Private Property" so as to adopt the recommendations of the Private Property Vending Policy and Advisory Committee said recommendations being hereto attached as Exhibit "A"; to repeal conflicting Ordinances; and for other purposes. (Held 1/10/06 for further review) (Work session held 2/22/06)
- O6-R-0433 (2) Claim of <u>Robert Colgin</u>, for damages alleged to have been sustained as a result of flooding on July 9, 2005 at 3340 Chatham Road, NW. (Referred back by Council 2/20/06) (Held 2/28/06 for further investigation at the request of Councilmember Muller)
- O6-R-0633 (3) Claim of <u>Gregory V. Burson, Jr.</u>, for damages alleged to have been sustained as a result of striking an open construction cut on January 18, 2006 at 832 Pryor Street, SW. (Held 3/14/06 for further investigation at the request of Councilmember Smith)

Public Safety and Legal Administration Committee Agenda September 26, 2006 Page Ten

PAPERS HELD IN COMMITTEE (CONT'D)

- O6-O-1044 (4) An Ordinance by Councilmembers H. Lamar Willis and C. T. Martin to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article 2, Section 162-61(a) and Chapter 162, Article 2, Section 162-34(f) to allow short breaks in service for Taxicabs; to allow the Chief of Police or his designee, discretion to grant further extension for correction slip matters; to repeal conflicting ordinances; and for other purposes. (Held 5/9/06 at the request of Councilmember Martin)
- O6-O-1045 (5) An Ordinance by Councilmembers H. Lamar Willis and C. T. Martin to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article 2, Section 162-57(a)(3) so as to delete residency requirements for securing or maintaining Vehicle for Hire CPNC's; to repeal conflicting ordinances; and for other purposes. (Held 5/9/06 at the request of Councilmember Martin)
- O6-O-1142 (6) An Ordinance by Public Safety and Legal Administration Committee to waive Section 2-1854 of the City of Atlanta Code of Ordinances to allow for the re-appointment of Barney Simms to the License Review Board; and for other purposes. (Held 6/13/06 for further review)
- O6-O-1601 (7) An Ordinance by Councilman C. T. Martin to amend Article XXIII (Entitled "Vending on Public Property"), Division 1, Section 30-1401, of the Code of Ordinances of the City of Atlanta, Georgia, so as to exempt Disabled Veterans from most of the provisions of the Public Property Vending Code; to waive conflicting ordinances; and for other purposes. (Held 8/15/06 for further review.)
- O6-R-1719 (8) Claim of <u>Kay E. Stephensen and Mark T. Gilliland</u>, for damages alleged to have been sustained as a result of storm water overflow on May 16, 2003 at 1125 Rosedale Drive, NE. (Held 8/15/06 at request of Councilmember Fauver.)

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PAPERS HELD IN COMMITTEE (CONT'D)

06-0-1908 (9)

An Ordinance by Public Safety and Legal Administration Committee amending Chapter 162, Article II, Division 1, Section 162-33 of the Code of Ordinances of the City of Atlanta, Georgia ("City"), on behalf of the Department of Police, Bureau of Taxicabs and Vehicles for Hire ("Department"), for the purpose of increasing the fees the City assesses Taxicab Drivers and Taxicab Companies in order to offset the funding that's provided by the City to subsidize the Department's Operating Budget; to create a Taxicab Re-Inspection Fee; and for other purposes.

(Held 9/12/06 for a work session.)

06-R-2029 (10)

A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to enter into a Lease Agreement with the City of Sandy Springs for the use of Fire Station 39, located at 4697 Wieuca Road, NW, Atlanta, Georgia, for a period of five years, at a rate of \$1.00 per year to be deposited to Fund, Account and Center Number: 1A01 (General Fund) 462201 (Building Rentals) B00001 (General-Revenue Center); to enter into an Agreement of Mutual Aid and Automatic Response with the City of Sandy Springs; to terminate the Lease Agreement between the City of Atlanta and Fulton County for Fire Station 39; and for other purposes. (Held 9/12/06 for further review.)

H. ITEMS NOT ON THE AGENDA

I. ADJOURNMENT

Entered – 07-10-06 sb
CL 06L0471 - GWENDOLYN BURNS

CLAIM OF:

TIFFANY D. HATCHETT

through her Attorney, Delisa Williams, P.C. 1718 Peachtree Street

Suite 592

Atlanta, Georgia 30309

06- Ω **-2084**

For bodily injuries alleged to have been sustained from an automobile accident on March 1, 2006 at Freedom Parkway, NE & North Avenue, NE.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to TIFFANY D. HATCHETT, through her Attorney, Delisa Williams, P.C. the sum of \$8,000.00 as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character for bodily injuries alleged to have been sustained from an automobile accident on March 1, 2006 at Freedom Parkway, NE & North Avenue, NE as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001.

APPROVED:

LINDA K. DISANTIS CITY ATTORNEY

BY:

JERRY L. DELOACY DEPUTY CITY ATTORNEY

C1

06- ₹-2077

CLAIM OF: RYAN ROCCO

1998 Whittier Avenue, NW Atlanta, Georgia 30318

For damages alleged to have been sustained as a result of a tree falling on his property on July 16, 2006 at 1998 Whittier Avenue, NW.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to RYAN ROCCO the sum of \$850.00 in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a tree falling on his property on July 16, 2006 at 1998 Whittier Avenue, NW more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001.

APPROVED:

LINDA K. DISANTIS CITY ATTORNEY

BY:

CLAIM OF: **DEE STONE**

912 West Wesley Road, NW Atlanta, Georgia 30327

For damages alleged to have been sustained during the repair of a storm sewer main on January 10, 2006 at 912 West Wesley Road, NW.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to DEE STONE the sum of \$577.60 in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained during the repair of storm sewer main on January 10, 2006 at 912 West Wesley Road, NW as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/Q30001.

APPROVED:

LINDA K. DISANTIS CITY ATTORNEY

BY:

Entered - 7/26/06 - sb CL - 06L0514 - ANGELENA KELLY

CLAIM OF: Southeast Link

4720 Frederick Drive Atlanta, GA 30336

For damages alleged to have been sustained as a result of a vehicular accident on June 19, 2006 at Capitol Avenue at Capitol Square.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Southeast Link** the sum of \$2,120.71 in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular accident on June 19, 2006 at Capitol Avenue at Capitol Square as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001.

APPROVED: LINDA K. DISANTIS
CITY ATTORNEY

BY:

Entered – 08/30/06 - sb CL06L0615 – DUANE A. BRAITHWAITE **06- ₹ -2080**

CLAIM OF: The Hartford

As subrogee of Roy Lee

PO Box 946001

Maitland, FL 32794-6001

For damages alleged to have been sustained as a result of a vehicular accident on May 12, 2006 at 2690 Metropolitan Parkway SW.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **The Hartford as subrogee of Roy Lee** the sum of **\$1,246.78** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular accident on May 12, 2006 at 2690 Metropolitan Parkway SW as is more particularly set forth in the within claim; said sum taken from and charged to account **2J01/529017/Q30001**.

APPROVED: LINDA K. DISANTIS
CITY ATTORNEY

BY:

Entered - 09/14/06 - sb CL06L0640 - DIANNE C. MITCHELL

CLAIM OF: JASON T. MCELROY 2859 East Fairview Road McDonough, Georgia 30253

For vehicular damages alleged to have been sustained as a result of a vehicular accident on September 6, 2006 at North Henry Boulevard and Highway 42.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to JASON T. MCELROY the sum of \$3,746.92 in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular accident on September 6, 2006 at North Henry Boulevard and Highway 42 as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001.

APPROVED: LINDA K. DISANTIS
CITY ATTORNEY

BY:

06- *ρ* **-2082**

Entered – 06/21/06 - sb CL06L0432 – DUANE A. BRAITHWAITE

CLAIM OF: Fecheimer Brothers Company

C/O – Dan Dudley, CFO 4545 Masbary Rd Cincinnati, OH 45242

For damages alleged to have been sustained as a result of a vehicular accident on June 6, 2006 at 1315 Chattahoochee Ave NW.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Fecheimer Brothers Company** the sum of \$3339.63 in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular accident on June 6, 2006 at 1315 Chattahoochee Ave NW as is more particularly set forth in the within claim; said sum taken from and charged to account **1A01/529017/T31001**.

APPROVED: LINDA K. DISANTIS
CITY ATTORNEY

BY:

06- *β* **-2083**

CLAIM OF: SHERYL FERRELL

2910 Water Road, SW Atlanta, Georgia 30354

For damages alleged to have been sustained as a result of an automobile accident on August 18, 2006 at 1120 North Avenue.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to SHERYL FERRELL, the sum of \$1,307.00 in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result an automobile accident on August 18, 2006 at 1120 North Avenue as is more particularly set forth in the within claim; said sum taken from and charged to account 2P01/529017/T31001.

APPROVED:

LINDA K. DISANTIS CITY ATTORNEY

BY:

Entered – 6-21-06 sb CL 06L0419 GWENDOLYN BURNS

CLAIM OF:

MICHELLE SMITH

4554 Galleon Crossing Decatur, Georgia 30035 **06-** *ℓ* -2085

For vehicular damages alleged to have been sustained when an automobile was driven over a defective gate system on May 19, 2006 on Park Drive at Chastain Park.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to MICHELLE SMITH the sum of \$600.00 as full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained when an automobile was driven over a defective gate system on May 19, 2006 on Park Drive at Chastain Park as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001.

APPROVED:

LINDA K. DISANTIS CITY ATTORNEY

BY:

Entered - 5/16/06 - sb CL - 06L0349 - ANGELENA KELLY

CLAIM OF: Anne Gannon P.O. Box 547 Demorest, GA 30535

For damages alleged to have been sustained as a result of a vehicular accident on January 3, 2006 at 466 Seminole Avenue.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Anne Gannon** the sum of \$833.26 in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular accident on January 3, 2006 at 466 Seminole Avenue as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001.

APPROVED: LINDA K. DISANTIS
CITY ATTORNEY

BY:

Entered - 7/25/05 - sb CL - 05L0574 - ANGELENA KELLY

CLAIM OF: Travise Farmer
Through her attorney

William F. Heitmann, III
3343 Peachtree Road, Suite 350

5545 Peachtree Road, Suite 550

Atlanta, GA 30326

For vehicle damages alleged to have been sustained as a result of driving over an unsecured metal plate on February 25, 2005 at the Sylvan Road and Dill Avenue.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Travise Farmer through her attorney William F.**Heitmann, III the sum of \$8,900.00 in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of driving over an unsecured metal plate on February 25, 2005 at the Sylvan Road and Dill Avenue as is more particularly set forth in the within claim; said sum taken from and charged to account **2J01/529017/Q30001**.

APPROVED: LINDA K. DISANTIS
CITY ATTORNEY

BY:

Entered - 7/25/05 - sb CL - 05L0573 - ANGELENA KELLY

CLAIM OF: Robert Rolax

395 Griffin Street Atlanta, GA 30314

For damages alleged to have been sustained as a result of a sewer back-up on July 8, 2006 at 395 Griffin Street.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Robert Rolax** the sum of \$1,554.26 in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a sewer back-up on July 8, 2006 at 395 Griffin Street as is more particularly set forth in the within claim; said sum taken from and charged to account **2J01/529017/Q30001**.

APPROVED: LINDA K. DISANTIS
CITY ATTORNEY

BY:

Entered - 5/24/06- sb CL - 06L0564 - ANGELENA KELLY

CLAIM OF: State Farm Insurance Company
As subrogee of Virender Chhabra
and Akhil Chhabra
P.O. Box 2371
Bloomington, IL 61702

For damages alleged to have been sustained as a result of a vehicular accident on April 11, 2006 at Courtland Street at Auburn Avenue.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **State Farm Insurance Company as subrogee of Virender Chhabra and Akhil Chhabra** the sum of **S12,757.14** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular accident on April 11, 2006 at Courtland Street at Auburn Avenue as is more particularly set forth in the within claim; said sum taken from and charged to account **1A01/529017/T31001**.

APPROVED: LINDA K. DISANTIS
CITY ATTORNEY

BY:

Entered – 08/30/06 - sb CL06L0611 – DUANE A. BRAITHWAITE

CLAIM OF: KARLA FLOYD 2070 Sitser Lane

College Park, Georgia 30349

For damages alleged to have been sustained as a result of a vehicular accident on August 21, 2006 at 1300 Inner Loop Road.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **KARLA FLOYD** the sum of \$916.22 in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular accident on August 21, 2006 at 1300 Inner Loop Road as is more particularly set forth in the within claim; said sum taken from and charged to account **2H01/529017/T31001**.

APPROVED: LINDA K. DISANTIS
CITY ATTORNEY

BY:

Entered - 8/14/06 - sb CL - 06L0564 - ANGELENA KELLY

CLAIM OF: State Farm Insurance Company As subrogee of Victor Taylor P.O. Box 2371 Bloomington, IL 61702

For damages alleged to have been sustained as a result of a vehicular accident on May 12, 2006 at Southside Industrial Parkway and Zip Industrial Boulevard.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **State Farm Insurance Company as subrogee of Victor Taylor** the sum of **\$1,209.60** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular accident on May 12, 2006 at Southside Industrial Parkway and Zip Industrial Boulevard as is more particularly set forth in the within claim; said sum taken from and charged to account **1A01/529017/T31001**.

APPROVED: LINDA K. DISANTIS
CITY ATTORNEY

BY:

CLAIM OF: MARTA

2424 Piedmont Road, NE Atlanta, Georgia 30324

For damages alleged to have been sustained as result of an automobile accident on June 7, 2006 at Peachtree Road and Peachtree Hills Avenue.

THIS ADVERSED REPORT IS APPROVED

BY:

Entered – 8/18/06 - sb CL – 06L0591 - Angelena Kelly

06- *Q* **-2090**

Claim of: Thomas Rogers 841 Ormewood Terrace Atlanta, GA 30316

For damages alleged to have been sustained as a result of construction being done for the Stockade Sewer Separation project in April 2006 at 841 Ormewood Terrace.

THIS ADVERSED REPORT IS APPROVED

BY:

Entered – 8/18/06 - sb CL – 06L0589 - ANGELENA KELLY 06- <u>2-2091</u>

Claim of: Nathan Bunderson 1005 Atlantic Drive Atlanta, GA 30318

For damages alleged to have been sustained as a result of a tree falling on August 5, 2006 at 1005 Atlantic Drive.

THIS ADVERSED REPORT IS APPROVED

RV

Entered – 8/18/06 - sb CL – 06L0584 - Angelena Kelly **06-** β **-2092**

Claim of: Kenneth Perignat 870 Delmar Avenue Atlanta, GA 30316

For damages alleged to have been sustained as a result of construction being done for the Stockade Sewer Separation project in April 2006 at 870 Delmar Avenue.

THIS ADVERSED REPORT IS APPROVED

BY:

CLAIM OF: LATITUDE SUBROGATION

SERVICES, as subrogee of

Atlanta Federation of

Musicians

1760 South Telegraph Road

Suite 104

Bloomfield, MI 48302

For damages alleged to have been sustained due to a sink hole on November 13, 2005 at 551 Dutch Valley Road, NW.

THIS ADVERSED REPORT IS APPROVED

BY:

Entered 8-18-06 sb **CL 06L0575** GWENDOLYN BURNS

CLAIM OF: PROGRESSIVE

through their insured, APRIL L. PALLO P. O. Box 89440 Cleveland, OH 44101

For vehicular damages alleged to have been sustained from an automobile accident on March 20, 2005 at Courtland Avenue, NE and Pine Street, NE.

THIS ADVERSED REPORT IS APPROVED

BY:

Entered - 7/10/06 - sb CL- 06L0478 - Angelena Kelly

06- ₹ -2095

Claim of: Linda Howell 3635 Thurleston Court Marietta, GA 30008

For damages alleged to have been sustained as a result of a trip and fall on February 17, 2006 at 395 Piedmont Avenue NE.

THIS ADVERSED REPORT IS APPROVED

_BY:

CLAIM OF: SALLY COMBS

through her attorney KIMBERLY A. STURM

STACK & ASSOCIATES, P.C.

260 Peachtree Street, NW

Suite 200

Atlanta, Georgia 30303

For property damages alleged to have been sustained from storm water runoff on a continuous basis at 704 Gladstone Road, NW.

THIS ADVERSED REPORT IS APPROVED

BY:

Entered – 4/13/06 - sb CL- 06L0272 - Angelena Kelly

Claim of: Tameka Hicks
Through her attorney John Foy
3343 Peachtree Road NE, Suite 350
Atlanta, GA 30326

For damages alleged to have been sustained as a result of walking on an uncovered water meter box on February 15, 2006 at 400 Lindsay Street.

THIS ADVERSED REPORT IS APPROVED

BY:

06- *ℓ* **-2098**

CLAIM OF: BARBARA A. BOARDMAN 1966 Brookview Drive, NW Atlanta, Georgia 30318

For damages alleged to have been sustained as result of striking an open construction cut on April 14, 2005 at 1101 Collier Road.

THIS ADVERSED REPORT IS APPROVED

BY:

06- *ℓ* **-2099**

CLAIM OF: JONATHAN A. STROUTH,

through his attorney Benjamin Y. Gerber 1355 Peachtree Street, NE

Suite 450

Atlanta, Georgia 30309

For damages alleged to have been sustained as result of a slip and fall incident on April 7, 2005 at Centennial Olympic Park Drive.

THIS ADVERSED REPORT IS APPROVED

BY:

JERRY L. DELOACH DEPUTY CITY ATTORNEY CLAIM OF: MARCIA E. KINCHEN

2470 Benjamin E. Mays, Drive Atlanta, Georgia 30311

For vehicular damages alleged to have been sustained from an automobile accident on January 30, 2006 at 2736 Hedgewood Drive.

THIS ADVERSED REPORT IS APPROVED

BY:

JERRY L. DELOACH DEPUTY CITY ATKORNEY Entered – 09/12/06 - sb CL06L0623 - DIANNE C. MITCHELL 06- β-2101

CLAIM OF: SHARI D. MARQUIS,

Through her attorney,

Roger F. Krause

Atalnta Plaza, Suite 3250 950 East Paces Ferry Road Atlanta, Georgia 30326

For damages alleged to have been sustained as a result of a fall on March 11, 2006 at Zoo Atlanta.

THIS ADVERSED REPORT IS APPROVED

BY:

JERRY L. DELOACH DEPUTY CITY ATTORNEY Entered – 09/12/06 - sb CL06L0635 - DIANNE C. MITCHELL

CLAIM OF: A BETTERWAY LEASING d/b/a

BUDGET RENT A CAR 1110 Northchase Parkway, SE

Suite 200

Marietta, Georgia 30067

For damages alleged to have been sustained as a result of the sale of a recovered stolen vehicle on May 15, 2002 by A Tow, Inc.

THIS ADVERSED REPORT IS APPROVED

BY:

JERRYA. DEKOACH DEPUTY CITY ATTORNEY Entered - 5/2/06 - sb CL- 06L0320 - Angelena Kelly

Claim of: Marcia Allvine

Through her attorney Horatio Edmondson

5683 Redan Road

Stone Mountain, GA 30303

For damages alleged to have been sustained as a result of an arrest on October 24, 2005 at 425 14th Street.

THIS ADVERSED REPORT IS APPROVED

BY:

JERRY L. DELÖACH DEPUTY CITY ATTORNEY Entered 3-17-06 sb CL 06L0186 GWENDOLYN BURNS

CLAIM OF: MARC'QUAIL WARREN through his attorney JOHN M. FOY FOY & ASSOCIATES

3343 Peachtree Road, NE

Suite 350

Atlanta, Georgia 30326

For bodily damages alleged to have been sustained after falling on ice that formed on the sidewalk due to a broken water line on December 22, 2005 on Hadlock Street.

THIS ADVERSED REPORT IS APPROVED

BY:

JERRY L. DELOACH DEPUTY CITY ATTORNEY CLAIM OF: MARCHUS WARREN

through his attorney

JOHN M. FOY

FOY & ASSOCIATES

3343 Peachtree Road, NE

Suite 350

Atlanta, Georgia 30326

For bodily injuries alleged to have been sustained after falling on ice that formed on the sidewalk due to a broken water line on December 22, 2005 at Hadlock Street.

THIS ADVERSED REPORT IS APPROVED

BY:

JERRY L. DELÒACH DEPUTY CLTY ATTORNEY Entered 08/02/05 sb **CL 05L0582 – LISA CARTER**

CLAIM OF: BELLSOUTH
P.O. Box 35167
Charlotte, NC 28235

For damages alleged to have been sustained during a water meter installation on April 6, 2005 at 4720 Guilford Forest Drive.

THIS ADVERSED REPORT IS APPROVED

BY:

JERRY L. DÉDOACH DEPUTY CITY ATTORNEY Entered – 3/2/05 - sb CL- 05L0144 - Angelena Kelly

Claim of: ADM c/o Ken Atkins 818 Joseph E. Lowery Blvd Atlanta, GA 30318

For damages alleged to have been sustained as a result of a private storm sewer collapse on September 8, 2004 at 818 Joseph E. Lowery.

THIS ADVERSED REPORT IS APPROVED

BY:

JERRY L. DELGACIA DEPUTY CITY ATTORNEY Entered – 09/05/06 - sb CL06L0616 - DIANNE C. MITCHELL

06- ₹.2112

CLAIM OF: CASSANDRA LAMPKIN,

through her attorney, 4525 Flat Shoals Parkway

Suite 404

Decatur, Georgia 30034

For damages alleged to have been sustained as a result of a carjacking on July 10, 2006 at 1093 West Avenue.

THIS ADVERSED REPORT IS APPROVED

BY:

JERRY LADELOACH DEPUTY CITY ATTORNEY Entered – 5/11/05 - sb CL- 05L0362- Angelena Kelly 06- 2-2114

Claim of: Charles Lawrence 1250 Lynway Lane Atlanta, GA 30311

For damages alleged to have been sustained as a result of an automobile accident on April 16, 2005 at 1250 Lynway Lane.

THIS ADVERSED REPORT IS APPROVED

BY:

JERRY L. DÉLOACH DEPUTY CITY ATTORNEY

CITY COUNCIL ATLANTA; GEORGIA

AN ORDINANCE BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE AMENDING THE 2006 (INTERGOVERNMENTAL GRANT FUND) BUDGET, DEPARTMENT OF POLICE ("DEPARTMENT"), BY TRANSFERRING THE REMAINING U.S. DEPARTMENT OF JUSTICE GRANT FUNDS AND ADMINISTRATIVE OPERATIONS FROM SPELMAN COLLEGE TO THE MAYOR'S OFFICE OF WEED AND SEED IN AN AMOUNT NOT TO EXCEED TWO HUNDRED THIRTEEN THOUSAND ONE HUNDRED EIGHTY THREE DOLLARS AND NINE CENTS (\$213,183.09); TO CONTINUE THE PROJECT SAFE NEIGHBORHOOD INITIATIVES TO PREVENT VIOLENT CRIME; AND FOR OTHER PURPOSES.

WHEREAS, on August 7, 2003, the U.S. Department of Justice awarded the Department a grant in the amount of \$250,000.00 to collaborate with an academic institution to reduce violent crime; and

WHEREAS, the Department entered into an agreement with Spelman College ("Spelman"), and the Atlanta City Council adopted ordinance 04-O-0477 and the Mayor approved the same on May 11, 2004, authorizing said agreement; and

WHEREAS, the Department and Spelman implemented a program that employed Spelman students to mobilize the Vine City and English Avenue communities to partner with the Department to reduce violent crime in those areas, mentor youth, and encourage academic excellence among elementary and high school students; and

WHEREAS, pursuant to the aforesaid agreement, Spelman would receive and disburse the project funds and be responsible for the supervision and coordination of activities related to the approved projects; and

WHEREAS, Spelman provided the Department written notice of its intent to no longer participate in the U.S. Department of Justice Project Safe Neighborhoods Violent Crime Prevention Grant, effective after September 30, 2006, attached hereto as exhibit "A"; and

WHEREAS, the Department desires to continue the program by transferring administrative operations and the remaining grant funds, in an amount not to exceed two hundred thirteen thousand one hundred eighty three dollars and nine cents (\$213,183.09), to the Mayor's Office of Weed and Seed.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That the 2006 (Intergovernmental Grant Fund) Budget, Department of Police, is hereby amended as follows:

TRANSFER FROM APPROPRIATIONS

1B02 X11T0733B380

Department of Justice Community Gun

Prosecution and Project Safe Neighborhoods

729002

Service Grants

\$213,183.00

Total

\$213,183.00

TRANSFER TO APPROPRIATIONS

1B02 D28T0733B380 7**** 7*****

Office of the Mayor

\$213,183.00

Personnel

\$

Other Operating Expenses

\$

Total

\$213,183.00

That the administrative operations of the U.S. Department of Justice **SECTION 2:** Project Safe Neighborhoods Violent Crime Prevention Grant shall be administered by the Mayor's Office of Weed and Seed.

SECTION 3: That position number 17989 is hereby transferred from D28P0223B5E0 to D28T0733B380.

SECTION 4: That authorization is granted to fill position number 17989 at a step of the salary grade not to exceed Step 3.

SECTION 5: That all ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.



May 5, 2006

ROBERT D. FLANIGAN, JR. Vice President for Business and Financial Affairs and Treasurer

Mr. Daniel R. Boozer Administrative Services Manager Atlanta Police Department 675 Ponce De Leon Avenue, NE Atlanta, GA 30308

Dear Mr. Boozer:

Please accept this letter as official notification that Spelman College will no longer participate in the U.S. Department of Justice Project Safe Neighborhoods (PSN) violent crime prevention grant number 2003GPCX-0174 after September 30, 2006.

We, at Spelman College have embraced the opportunity to work with the six distinguished organizations and all of the persons affiliated with the Project Safe Neighborhoods grant here in the Atlanta area. We are grateful that the opportunity for Spelman students to fulfill their personal missions to support the reduction of violent crime, interact meaningfully with the surrounding community and residents, and actively assist in redeveloping these important historic communities has occurred with their involvement in the Project Safe Neighborhoods grant.

Again, we thank you for this opportunity, and wish you well with the future of the project.

Sincerely,

DEFINERED WAS T

Robert D. Flanigan, Jr.

RDF/ml

cc: Tangee Allen, Mayor's Office of Weed and Seed Byron D. Amos, Vine City Civic Association Harold Beckham, English Avenue Neighborhood Association Beverly Daniel Tatum, Spelman College Jane Smith, Spelman College LEADS Center Joyce Mosso, United States Department of Justice

TO: MAYOR'S OFFICE ATTN: GREG PRIDGEON		
Legislative Counsel (Signature): TERRY GRANDISON True Decretion		
Contact Number:6946		
Originating Department:Police		
Committee(s) of Purview Public Safety and Legal Administration		
Council Deadline:9/11/06		
Committee Meeting Date(s):9/26 -9/27 Full Council Date:10/2/06_		
Committee Meeting Date(s):9/26 -9/27 Full Council Date:10/2/06_ Commissioner Signature		
CAPTION		
AN ORDINANCE AMENDING THE 2006 (INTERGOVERNMENTAL GRANT FUND) BUDGET, DEPARTMENT OF POLICE ("DEPARTMENT"), BY TRANSFERRING THE REMAINING U.S. DEPARTMENT OF JUSTICE GRANT FUNDS AND ADMINISTRATIVE OPERATIONS FROM SPELMAN COLLEGE TO THE MAYOR'S OFFICE OF WEED AND SEED IN AN AMOUNT NOT TO EXCEED TWO HUNDRED THIRTEEN THOUSAND ONE HUNDRED EIGHTY THREE DOLLARS AND NINE CENTS (\$213,183.09); TO CONTINUE THE PROJECT SAFE NEIGHBORHOOD INITIATIVES TO PREVENT VIOLENT CRIME; AND FOR OTHER PURPOSES.		
FINANCIAL IMPACT (if any): No Matching Grant Funds Required		
Mayor's Staff Only		
Received by Mayor's Office: 9.11.06 Reviewed by: (date)		
Submitted to Council: $\frac{9}{(\text{date})}$		

AN ORDINANCE BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE TO CORRECT THE CENTER NUMBER IN ORDINANCE NUMBER 06-O-0541 ADOPTED BY THE ATLANTA CITY COUNCIL ON MARCH 20, 2006, AND APPROVED BY THE MAYOR ON MARCH 28, 2006; AND FOR OTHER PURPOSES.

WHEREAS, ordinance 06-O-0541 amending the 2006 (Intergovernmental Grant Fund) budget by adding to anticipations and appropriations in the amount of \$53,320.00, was adopted by the Atlanta City Council on March 20, 2006, and approved by the Mayor on March 28, 2006; and

WHEREAS, ordinance 06-O-0541 identified the incorrect center number for the anticipation of the funds in Section 1 of the ordinance; and

WHEREAS, the Departments of Finance and Police are in agreement with the ordinance being corrected to reflect the correct center number.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That center number J53XT0717KQV0 in Section 1 of ordinance 06-O-0541 is hereby corrected to read as follows: J53X0210KQV0.

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

TO: MAYOR'S OFFICE	ATTN: GREG PRIDGEON
Legislative Counsel (Signature):_Simone D. Brathwaite	Som Qual
Contact Number: x 6310	
Originating Department: _Department of Police	
Committee(s) of Purview:Public Safety and Legal Ac	lministration
Council Deadline:September 11, 2006	
Committee Meeting Date(s):September 26-27, 2006_ 2, 2006	Full Council Date: October
Commissioner Signature De Wend	
CAPTION AN ORDINANCE TO CORRECT THE CENTER ON NUMBER 06-O-0541 ADOPTED BY THE ATLANTA CO., 2006, AND APPROVED BY THE MAYOR ON MOTHER PURPOSES.	CITY COUNCIL ON MARCH
FINANCIAL IMPACT:	
Mayor's Staff Only	
Received by Mayor's Office: 9.14.06 Review	420
Submitted to Council: 9/15/06 (date)	



AN ORDINANCE BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE TO AMEND CHAPTER 150, ARTICLE IV, DIVISION III, SECTION 150-131 (b) OF THE CITY OF ATLANTA CODE OF ORDINANCES, TO DELETE THE PHRASE 'SPECIAL POLICE OFFICERS' AND REPLACE IT WITH 'CODE ENFORCEMENT AGENTS'; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, Section 98-1 of the City of Atlanta ("City") Code of Ordinances ("Code") outlines the application process for special police officers, their authority, and a list of persons who are eligible to become such officers; and

WHEREAS, the City's Department of Police ("Department") desires to amend Section 98-1 of the Code to change the name of special police officers to 'code enforcement agents', and to more accurately define the function; and

WHEREAS, it is also the Department's intent that the term 'special police officer' be deleted from Section 150-131 (b) of the Code and replaced with 'code enforcement agent' so that term is consistent throughout the Code.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

SECTION 1: That Chapter 150, Article IV, Division III, Section 150-131 (b) of the City of Atlanta Code of Ordinances, which reads:

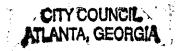
(b) Parking enforcement officer means non-sworn personnel designated by the commissioner of public works, and appointed by the police chief or his designee as special police officers pursuant to section 98-1 of the Code of Ordinances, for the purpose of enforcing parking regulations including issuance of citations and towing of vehicles parked in restricted areas.

be hereby amended to read as follows:

(b) Parking enforcement officer means non-sworn personnel designated by the commissioner of public works, and appointed by the police chief or his designee as code enforcement agents pursuant to section 98-1 of the Code of Ordinances, for the purpose of enforcing parking regulations including issuance of citations and towing of vehicles parked in restricted areas. In order to enforce code provisions and issue citations, these employees must apply for and receive status as code enforcement agent.

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

TO: MAYOR'S OFFICE	ATTN: GREG PRIDGEON
Legislative Counsel (Signature):_Simone D. Brathwaite	DE CHE
Contact Number:x 6310	
Originating Department: _Department of Police	
Committee(s) of Purview:Public Safety and Legal Ad	ministration
Council Deadline:August 28, 2006	
Committee Meeting Date(s):September 12-13, 2006_ September 18, 2006	Full Council Date:
Commissioner Signature JUSanda	
CAPTION AN ORDINANCE TO AMEND CHAPTER 150, AF SECTION 150-131 (b) OF THE CITY OF ATLANTA CO DELETE THE PHRASE 'SPECIAL POLICE OFFICERS' 'CODE ENFORCEMENT AGENTS'; TO WAIVE CON AND FOR OTHER PURPOSES.	ODE OF ORDINANCES, TO S' AND REPLACE IT WITH
FINANCIAL IMPACT:	
Mayor's Staff Only	
Received by Mayor's Office: 8.39.06 Review (date) Submitted to Council: (date)	wed by: (date)
Submitted to Council: 9/1/06 (date)	



AN ORDINANCE BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE TO AMEND CHAPTER 106, ARTICLE VI, DIVISION III, SECTION 106-307 (b) OF THE CITY OF ATLANTA CODE OF ORDINANCES, TO DELETE SPECIAL OFFICERS FROM THE LIST OF EMPLOYEES AUTHORIZED TO CARRY A WEAPON; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, Section 98-1 of the City of Atlanta ("City") Code of Ordinances ("Code") outlines the application process for special police officers, their authority, and a list of persons who are eligible to become such officers; and

WHEREAS, the City's Department of Police ("Department") desires to amend Section 98-1 of the Code to change the name of special police officers to 'code enforcement agents', and to more accurately define the function; and

WHEREAS, it is also the Department's intent that special officers be deleted from Section 106-307 (b) the Code, so that these officers, who will become code enforcement agents, will not be authorized to carry pistols or other weapons or equipment.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

SECTION 1: That Chapter 106, Article VI, Division III, Section 106-307 (b) of the City of Atlanta Code of Ordinances, which reads:

- (b) The following employees or special employees of the city are authorized to carry pistols or other weapons or equipment when such is lawfully issued to them:
 - (1) Police.
 - (2) Park police.
 - (3) Airport police.
 - (4) Security guards employed by the city.
 - (5) Court bailiffs.
 - (6) Probation officers.
 - (7) Special officers employed by the city.
 - (8) Specially deputized citizens or employees of the city.
 - (9) Personnel employed by the office of corrections.

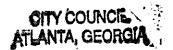
be hereby amended to read as follows:

- (b) The following employees or special employees of the city are authorized to carry pistols or other weapons or equipment when such is lawfully issued to them:
 - (1) Police.
 - (2) Park police.
 - (3) Airport police.

- (4) Security guards employed by the city.
- (5) Court bailiffs.
- (6) Probation officers.
- (7) Specially deputized citizens or employees of the city.(8) Personnel employed by the office of corrections.

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

TO: MAYOR'S OFFICE	ATTN: GREG PRIDGEON
Legislative Counsel (Signature):_Simone D. Brathwaite	DE BACHEUN
Contact Number:x 6310	
Originating Department: _Department of Police	
Committee(s) of Purview:Public Safety and Legal Ad	ministration
Council Deadline:August 28, 2006	
Committee Meeting Date(s):Spetember 12-13, 2006_ September 18, 2006	Full Council Date:
Commissioner Signature 10 12 12 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	
CAPTION AN ORDINANCE TO AMEND CHAPTER 106, AR SECTION 106-307 (b) OF THE CITY OF ATLANTA CO DELETE SPECIAL OFFICERS FROM THE LIST OF E TO CARRY A WEAPON; TO WAIVE CONFLICTING OTHER PURPOSES.	DDE OF ORDINANCES, TO MPLOYEES AUTHORIZED
FINANCIAL IMPACT:	
Mayor's Staff Only	
Received by Mayor's Office: 8-39-06 Review (date)	wed by:(date)
Submitted to Council: 1/1/00 (date)	



AN ORDINANCE BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE TO AMEND CHAPTER 98, ARTICLE II, DIVISION 1, SECTION 98-51 OF THE CITY OF ATLANTA CODE OF ORDINANCES, ENTITLED 'AUTHORIZATION FOR THE CHIEF OF POLICE TO ADMINISTER OATH OF OFFICE FOR SWORN POLICE OFFICERS' TO DELETE THE PHRASE 'SPECIAL POLICE OFFICER(S)'; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, Section 98-1 of the City of Atlanta ("City") Code of Ordinances ("Code") outlines the application process for special police officers, their authority, and a list of persons who are eligible to become such officers; and

WHEREAS, the City's Department of Police ("Department") desires to amend Section 98-1 of the Code to change the name of special police officers to 'code enforcement agents', and to more accurately define the function; and

WHEREAS, Section 98-51 states the oath of office which is administered to sworn police officers and special police officers of the City; and

WHEREAS, the Department intends to create a separate oath of office for code enforcement agents to be included in Section 98-1 of the Code, and desires that the term 'special police officer' be deleted from Section 98-51 of the Code.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

SECTION 1: That Chapter 98, Article II, Division I, Section 98-51 of the City of Atlanta Code of Ordinances, which reads:

The police chief or the chief's designee is authorized, in accordance with Georgia law, to administer the oath of office to all sworn police officers and special police officers employed by the City of Atlanta. When taken, the officer shall sign the official oath and copies thereof shall be filed with the Fulton county Probate court and in the personnel records of the officer so sworn. That oath shall take the following form:

I, ________, do solemnly swear (or affirm) that I am duly qualified, according to the Constitution and laws of Georgia, to perform the duties imposed upon me as a Police Officer (or Special Police Officer) of the City of Atlanta, Georgia, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect, and defend the Constitution of the United States of America and the Constitution of the State of Georgia.

I swear that I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I am prohibited from holding by the laws of the State of Georgia, nor am I the holder of any unaccounted for public money due this state or any political subdivision or authority thereof.

I further swear that I will enforce the criminal laws of the State of Georgia and the ordinances of the City of Atlanta, abide by the rules and standard operating procedures governing the Atlanta Police Department, adhere to the Law Enforcement Code of Ethics published by the International Association of Chiefs of Police, and uphold the Ethics Code of the City of Atlanta. In doing so, I will be mindful of the trust that has been placed in me to improve the quality of life and make every effort to live up to that trust. I will not persecute the innocent, nor help to shield the guilty, nor will I be influenced in the discharge of my duties by fear, favor, or affection, reward, or the hope thereof. So help me God.

be hereby amended to read as follows:

The police chief or the chief's designee is authorized, in accordance with Georgia law, to administer the oath of office to all sworn police officers employed by the City of Atlanta. When taken, the officer shall sign the official oath and copies thereof shall be filed with the Fulton county Probate court and in the personnel records of the officer so sworn. That oath shall take the following form:

I, _______, do solemnly swear (or affirm) that I am duly qualified, according to the Constitution and laws of Georgia, to perform the duties imposed upon me as a Police Officer of the City of Atlanta, Georgia, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect, and defend the Constitution of the United States of America and the Constitution of the State of Georgia.

I swear that I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I am prohibited from holding by the laws of the State of Georgia, nor am I the holder of any unaccounted for public money due this state or any political subdivision or authority thereof.

I further swear that I will enforce the criminal laws of the State of Georgia and the ordinances of the City of Atlanta, abide by the rules and standard operating procedures governing the Atlanta Police Department, adhere to the Law Enforcement Code of Ethics published by the International Association of Chiefs of Police, and uphold the Ethics Code of the City of Atlanta. In doing so, I will be mindful of the trust that has been placed in me to improve the quality of life and make every effort to live up to that trust. I will not persecute the innocent, nor help to shield the guilty, nor will I be influenced in the discharge of my duties by fear, favor, or affection, reward, or the hope thereof. So help me God.

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

TO: MAYOR'S OFFICE	ATTN: GREG PRIDGEON
Legislative Counsel (Signature):_Simone D. Brath	waite DISalous
Contact Number:x 6310	
Originating Department: _Department of Police	
Committee(s) of Purview:Public Safety and Leg	gal Administration
Council Deadline:August 28, 2006	
Committee Meeting Date(s): _September 12-13, 2 September 18, 2006 Commissioner Signature	_
Commissioner Signature Wayner	
CAPTION AN ORDINANCE TO AMEND CHAPTER 98, AR' 98-51 OF THE CITY OF ATLANTA CODE 'AUTHORIZATION FOR THE CHIEF OF POLIC OFFICE FOR SWORN POLICE OFFICERS' TO D POLICE OFFICER(S)'; TO WAIVE CONFLICT: OTHER PURPOSES.	OF ORDINANCES, ENTITLED CE TO ADMINISTER OATH OF DELETE THE PHRASE 'SPECIAL
FINANCIAL IMPACT:	
Mayor's Staff Only	
Received by Mayor's Office: 8. 29.06 I (date) Submitted to Council: 9/1/06	Reviewed by: (date)
Submitted to Council: $\frac{9/1}{(\text{date})}$	



AN ORDINANCE BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE TO AMEND CHAPTER 98, ARTICLE 1, SECTION 98-1 OF THE CITY OF ATLANTA CODE OF ORDINANCES ENTITLED 'SPECIAL POLICE OFFICERS', TO RENAME THESE APPOINTEES, PROVIDE FOR THEIR APPOINTMENT, TRAINING AND TENURE, AND CLARIFY THEIR ROLES AND AUTHORITY; AND FOR OTHER PURPOSES.

WHEREAS, Section 98-1 of the City of Atlanta ("City") Code of Ordinances outlines the application process for special police officers, their authority, and a list of persons who are eligible to become such officers; and

WHEREAS, the term "special police officer" lends itself to misinterpretation and confusion as to the authority and function of such personnel; and

WHEREAS, to avoid confusion with police officers, the City's Department of Police ("Department") desires to change the name of special police officers to code enforcement agents; and

WHEREAS, the Department further desires to define in detail the functions, roles, authority, training and tenure of code enforcement agents.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That Chapter 98, Article 1, Section 98-1 which reads:

Sec. 98-1. Special police officers.

- (a) The police chief or a designee shall have the authority to appoint special police officers who shall not be regular police officers in the department of police but who shall have the power to serve subpoenas, citations and summonses for the violation or failure to comply with any section of this Code or ordinance of the city, the requirements thereof or of any order or direction made pursuant to the provisions contained in any section of this Code or ordinance of the city which shall not have been complied with.
- (b) All persons appointed or who shall desire appointment as special police officers to operate within the city shall apply to the police chief or a designee for a special permit.
- (c) The application for the permit required by subsection (b) of this section shall show the name and address of the applicant, the name and address of the immediate members of the family of the applicant and the applicant's marital status and shall have attached thereto a photograph of the applicant, together with sufficient fingerprints to definitely identify the applicant. The police chief or a designee is specifically authorized to require additional information from the applicant. Upon receipt of the application the police chief

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or designee shall cause a complete and thorough investigation to be made of the applicant to determine the applicant's moral, physical and mental qualifications and, upon such determination being made, shall thereafter grant or deny the permit.

(d) Special officers shall include only fire inspectors, health inspectors for Fulton and DeKalb Counties, sanitary code enforcement officers, sanitary route supervisors, City Hall parking lot attendants, building inspectors, plumbing inspectors, zoning inspectors, inspectors for the site development coordinator of the department of public works, parking enforcement officers for the department of public works, housing code inspectors, codes compliance inspectors, taxicab inspectors, the director, bureau of taxicabs and vehicles for hire and administrative assistants within that bureau, corrections officers, water quality control specialists and inspectors for the department of water and industrial waste inspectors for the bureau of pollution control.

be hereby amended to read as follows:

Sec. 98-1. Code Enforcement Agents.

- (a) The police chief or his or her designee shall have the authority to appoint Code Enforcement Agents who shall not be regular police officers in the department of police but who shall have the power to serve subpoenas, citations and summonses for the violation of, or failure to comply with, any section of this Code or ordinance of the city, the requirements thereof or of any order or direction made pursuant to the provisions contained in any section of this Code or ordinance of the city which shall not have been complied with.
- (b) All persons appointed or who shall desire appointment as Code Enforcement Agents to operate within the city shall apply to the police chief or his or her designee for a permit. The police chief or designee may set an expiration date for the permit.
- (c) The application for the permit required by subsection (b) shall show the name and address of the applicant, the applicant's job title, place of employment, and department head and shall have attached thereto a photograph of the applicant, together with sufficient fingerprints to definitely identify the applicant. The applicant and his or her department head must sign the application. The department head must attest to the applicant's training for the job and the physical and mental qualifications to be a Code Enforcement Agent. The police chief or his or her designee is specifically authorized to require additional information from the applicant or department head. Upon receipt of the application, the police chief or designee shall cause a criminal history check to be made of the applicant and shall thereafter grant or deny the permit.
- (d) Only city employees in job classifications that require enforcement of the City Code are eligible to become Code Enforcement Agents. The chief of police and the commissioner of human resources or their designees will create and maintain a list of such job classifications.

- (e) The City Solicitor will train applicants in enforcement procedures prior to their being sworn in.
- (f) On satisfactory completion of the enforcement training, the Police Chief or designee will issue badges and identification cards to the Code Enforcement Agents and swear them in.

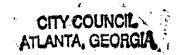
The police chief or the chief's designee is authorized, in accordance with Georgia law, to administer the oath of office to all code enforcement agents employed by the City of Atlanta. When taken, the agent shall sign the official oath and copies thereof shall be filed with the Fulton county Probate court and in the personnel records of the agent so sworn. That oath shall take the following form:

- I, ________, do solemnly swear (or affirm) that I am duly qualified, according to the City Code of Ordinances and the policies of my department of employment, to perform the duties imposed upon me as a Code Enforcement Agent of the City of Atlanta, Georgia, and that I will, to the best of my ability, discharge the duties thereof.

 I further swear that I will enforce the ordinances of the City of Atlanta that are particular to my job assignment, abide by the direction given me by the Office of the City Solicitor and the Atlanta Police Department, and uphold the Ethics Code of the City of Atlanta. In doing so, I will be mindful of the trust that has been placed in me to improve the quality of life and make every effort to live up to that trust. I will not persecute the innocent, nor help to shield the guilty, nor will I be influenced in the discharge of my duties by fear, favor, affection, or reward.
- (g) Status as a Code Enforcement Agent does not confer any additional benefits or authority other than specified in this ordinance. A Code Enforcement Agent does not have the power of physical arrest.
- (h) The Chief of Police or designee will investigate allegations of abuse of authority by a Code Enforcement Agent; the employing department head will cooperate with the investigation. The Chief of Police or designee may suspend or cancel a person's status as Code Enforcement Agent if he or she fails to meet the requirements or abuses the authority.
- (i) The department head of a Code Enforcement Agent must return the badge and identification card to the Police Department if that agent's status is canceled under subsection (h) or if the individual is no longer employed by that department in a qualifying classification.
- (j) It shall be unlawful for any person, not authorized as a code enforcement agent, to act as a code enforcement agent or to represent such person as a code enforcement agent or to wear the badge of a code enforcement agent.

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

TO: MAYOR'S OFFICE	ATTN: GREG PRIDGEON
Legislative Counsel (Signature):_Simone D. Brathwaite	DE ORCH
Contact Number:x 6310	
Originating Department: _Department of Police	
Committee(s) of Purview:Public Safety and Legal Ad	ministration
Council Deadline:August 28, 2006	
Committee Meeting Date(s):September 12-13, 2006_ September 18, 2006	Full Council Date:
Commissioner Signature JCHEanda	
CAPTION AN ORDINANCE TO AMEND CHAPTER 98, ARTICLI CITY OF ATLANTA CODE OF ORDINANCES ENT OFFICERS', TO RENAME THESE APPOINTEES, APPOINTMENT, TRAINING AND TENURE, AND CLA AUTHORITY; AND FOR OTHER PURPOSES.	TITLED 'SPECIAL POLICE PROVIDE FOR THEIR
FINANCIAL IMPACT:	
Mayor's Staff Only	
Received by Mayor's Office: 8.39.06 Review (date) Submitted to Council: 9/1/06	wed by: (date)
Submitted to Council: $\frac{Q}{(\text{dat}e)}$	



AN ORDINANCE BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE AMENDING CHAPTER 114, ARTICLE VI, DIVISION 4, SECTION 114-572(a) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA ENTITLED "DRUG AND/OR ALCOHOL ANALYSIS" AS IT PERTAINS TO SWORN EMPLOYEES OF THE DEPARTMENTS OF POLICE, FIRE AND RESCUE, AND CORRECTIONS; AND FOR OTHER PURPOSES.

WHEREAS, Chapter 114, Article VI, Division 4, Section 114-572(a) of the Code of Ordinances of the City of Atlanta, Georgia sets out the administrative process that the City of Atlanta must follow when directing an employee to submit to a drug and/or alcohol analysis test; and

WHEREAS, the aforesaid ordinance does not provide for the random drug testing of sworn employees of the Departments of Police, Fire and Rescue, and Corrections in accordance with Chapter 114, Article VI, Division 4, Section 114-571(d) of the Code of Ordinances of the City of Atlanta, Georgia, as amended; and

WHEREAS, the activities of police officers, firefighters and corrections officers are such that drug or alcohol abuse among these employees would pose a high risk of danger to the public and to their fellow employees; and

WHEREAS, the City Council desires to implement a random drug testing policy for sworn employees of the Departments of Police, Fire and Rescue, and Corrections.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS as follows:

Section 1: Chapter 114, Article VI, Division 4, Section 114-572(a), of the Code of Ordinances of the City of Atlanta, which reads:

Sec. 114-572. Drug and/or alcohol analysis.

(a) When directed by the appointing authority or designee, an employee must submit to a drug and/or alcohol analysis test. The direction to submit to the drug/alcohol test must be in writing, signed by the appointing authority or designee, in accordance with section 114-571(c). A blood or urinalysis test may be given. All testing labs, utilized by the city to analyze specimens, shall be certified to do so in accordance with applicable state and federal law and guidelines.

Be hereby amended to read as follows:

Sec. 114-572. Drug and/or alcohol analysis.

(a) When directed by the appointing authority or designee, an employee must submit to a drug and/or alcohol analysis test. The direction to submit to the drug/alcohol test must be in writing, signed by the appointing authority or designee, in accordance with section 114-571(c) or (d). A blood or urinalysis test may be given. All testing labs, utilized by the city to analyze specimens, shall be certified to do so in accordance with applicable state and federal law and guidelines.

<u>Section 2:</u> That all ordinances or parts of ordinances that are in conflict with the provisions of this ordinance are waived to the extent of the conflict.

TO: MAYOR'S OFFICE		ATTN: GREG	PRIDGEON
Legislative Counsel (Signat	ture):_TERRY GRA	NDISON Levy he	dison
Contact		U	
Number:6946			
Originating Department: _	_Police		
Committee(s) of Purview: _	Public Safety and L	egal Administration Co	mmittee
Council Deadline:6/12/06			
Committee Meeting Date(s)		Full Council Date:	7/03/06_
Commissioner Signature	Multe	myt	
<u>CAPTION</u>	•		
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FINANCIAL IMPACT (if an	y): Funding has been	set forth in the budget.	
Mayor's Staff Only			
Received by Mayor's Office:	8/29/06 (date)	Reviewed by:	P late)
Submitted to Council:	9/1 /06 (date)		

TO: MAYOR'S OFFICE ATTN: GREG PRIDGEON
Legislative Counsel (Signature):_TERRY GRANDISON Jerry Hardison
Contact Number: 6946
Originating Department:Fire and Rescue
Committee(s) of Purview: _Public Safety and Legal Administration Committee
Council Deadline: 8/28/06
Committee Meeting Date(s):9/12 -9/13 Full Council Date:9/18/06_
Commissioner Signature Dennis L. Rubin
CAPTION
AN ORDINANCE AMENDING CHAPTER 114, ARTICLE VI, DIVISION 4, SECTION 114-572(a) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA ENTITLED "DRUG AND/OR ALCOHOL ANALYSIS" AS IT PERTAINS TO SWORN EMPLOYEES OF THE DEPARTMENTS OF POLICE, FIRE AND RESCUE, AND CORRECTIONS; AND FOR OTHER PURPOSES.
FINANCIAL IMPACT (if any): Funding has been set forth in the budget.
Mayor's Staff Only
Received by Mayor's Office: (date) Reviewed by: (date)
Submitted to Council: (date) 106

TO: MAYOR'S OFFICE			G PRIDGEON
Legislative Counsel (Signat	ure):_TERRY GRAN	DISON JOARY	hardison 29
Contact Number:6946			
Originating Department: _	Corrections		
Committee(s) of Purview: _Public Safety and Legal Administration Committee			
Council Deadline:6/26/06			
Committee Meeting Date(s)			
Commissioner Signature *	Am la	reold_	
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AN ORDINANCE AMENDI SECTION 114-572(a) OF TH ATLANTA, GEORGIA ENT PERTAINS TO SWORN EM AND RESCUE, AND CORR	IE CODE OF ORDINA TTLED "DRUG AND/ IPLOYEES OF THE D	NCES OF THE CIT OR ALCOHOL AND EPARTMENTS OF	Y OF ALYSIS" AS IT POLICE, FIRE
FINANCIAL IMPACT (if an	y): Funding has been so	et forth in the budget.	
Mayor's Staff Only			
Received by Mayor's Office:			
Submitted to Council:	(date)		



ORDINANCE BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE AMENDING CHAPTER 114, ARTICLE VI, DIVISION 4, SECTION 114-571 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA ENTITLED "SUPERVISOR'S RESPONSIBILITIES AND GUIDELINES" AS IT PERTAINS TO SWORN EMPLOYEES OF THE DEPARTMENTS OF POLICE, FIRE AND RESCUE, AND CORRECTIONS; AND FOR OTHER PURPOSES.

WHEREAS, Chapter 114, Article VI, Division 4, Section 114-571 of the Code of Ordinances of the City of Atlanta, Georgia sets out the administrative process a supervisor must take when there is reasonable suspicion that an employee is under the influence of drugs or alcohol; and

WHEREAS, the aforesaid ordinance only allows a supervisor to require an employee to submit to a drug and/or alcohol analysis when there is reasonable suspicion that an employee is under the influence of drugs or alcohol; and

WHEREAS, the activities of police officers, firefighters and corrections officers are such that drug or alcohol abuse among these employees would pose a high risk of danger to the public and fellow employees; and

WHEREAS, a random drug and/or alcohol analysis testing policy to detect drug and/or alcohol abuse among sworn officers would reduce the risk of danger to the public and fellow employees; and

WHEREAS, the City Council desires to implement a random drug and/or alcohol testing policy for sworn employees of the Departments of Police, Fire and Rescue, and Corrections.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS as follows:

<u>Section 1</u>: That Chapter 114, Article VI, Division 4, Section 114-571 of the Code of Ordinances of the City of Atlanta, Georgia is hereby amended by adding a new subsection (d) to be read as follows:

Section 114-571. Supervisors' responsibilities and guidelines.

(d) Sworn employees of the Departments of Police, Fire and Rescue, and Corrections are subject to random drug and/or alcohol analysis test as established by the respective department, when directed by the appointing authority.

Section 2: All ordinances or parts of ordinances that are in conflict with the provisions of this Ordinance are waived to the extent of the conflict.

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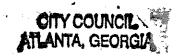
TO: MAYOR'S OFFICE	ATTN: GREG PRIDGEON
Legislative Counsel (Signature):_TERRY GRANDISO	N Lerry Grandism
Contact Number:6946	
Originating Department:Police	
Committee(s) of Purview: _Public Safety and Legal Ad	ministration Committee
Council Deadline:6/12/06	
Committee Meeting Date(s):6/27 -6/28F	ıll Council Date:7/03/06_
Commissioner Signature	
CAPTION AN ORDINANCE AMENDING CHAPTER 114, SECTION 114-571 OF THE CODE OF ORDIN ATLANTA, GEORIGA ENTITLED "SUPERVISOR GUIDELINES" AS IT PERTAINS TO SWOR DEPARTMENTS OF POLICE, FIRE AND RESCUE FOR OTHER PURPOSES.	ARTICLE VI, DIVISION 4, ANCES OF THE CITY OF 'S RESPONSIBILITIES AND N EMPLOYEES OF THE
FINANCIAL IMPACT (if any): Funding has been set fort	h in the budget.
Mayor's Staff Only	
Received by Mayor's Office: $\frac{8/29/06}{(date)}$ Revi	ewed by: (date)
Submitted to Council: 9/106	

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE		ATTN: GRE	G PRIDGEON
Legislative Counsel (Signa	ature):_TERRY GR	ANDISON Jones &	landison 19
Contact		$\overline{}$	
Number:6946			
Originating Department:	Fire and Rescue_	MATAGARA	
Committee(s) of Purview:	_Public Safety and	Legal Administration C	Committee
Council Deadline:8/28/06			
Committee Meeting Date(s	s):9/12 -9/13	Full Council Dat	re:9/18/06_
Commissioner Signature	Dennie L. Ru	bing	NATIONAL PROPERTY OF THE PROPE
SECTION 114-571 OI ATLANTA, GEORIGA GUIDELINES" AS I	F THE CODE OF ENTITLED "SUPI T PERTAINS TO OLICE, FIRE AND	ER 114, ARTICLE VI, ORDINANCES OF T ERVISOR'S RESPONSII OSWORN EMPLOYE RESCUE, AND CORRE	THE CITY OF BILITIES AND SES OF THE
FINANCIAL IMPACT (if a	ny): Funding has bee	en set forth in the budget.	
Mayor's Staff Only			
Received by Mayor's Office Submitted to Council:	:: A. 29.06 (date)	Reviewed by:	(date)
Submitted to Council:	$\frac{9}{\text{(date)}} / 06$		

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE	ATTN: GREG PRIDGEON
Legislative Counsel (Signature):_TERRY GRANDISON	Lorry Grandison 19
Contact Number:6946	
Originating Department:Corrections	
Committee(s) of Purview: _Public Safety and Legal Adn	ninistration Committee
Council Deadline: 6/26/06	
Committee Meeting Date(s):7/11 -7/12 Ful	l Council Date:7/17/06_
Commissioner Signature * Sme fbeel	
CAPTION AN ORDINANCE AMENDING CHAPTER 114, A SECTION 114-571 OF THE CODE OF ORDINA ATLANTA, GEORIGA ENTITLED "SUPERVISOR'S GUIDELINES" AS IT PERTAINS TO SWORN DEPARTMENTS OF POLICE, FIRE AND RESCUE, FOR OTHER PURPOSES.	NCES OF THE CITY OF S RESPONSIBILITIES AND I EMPLOYEES OF THE
FINANCIAL IMPACT (if any): Funding has been set forth	in the budget.
Mayor's Staff Only	
Received by Mayor's Office: $\frac{8/29/06}{(date)}$ Review Submitted to Council: $\frac{9/106}{(date)}$	wed by: (date)
Submitted to Council: 9/1/06	



AN ORDINANCE BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE TO AMEND CHAPTER 74, ARTICLE IX, DIVISION 2, SECTION 74-440 OF THE CITY OF ATLANTA CODE OF ORDINANCES, ENTITLED 'ACCESS AND INSPECTION OF PROPERTIES AND FACILITIES', SO THAT CERTAIN DULY AUTHORIZED AGENTS OF THE DEPARTMENT OF WATERSHED MANAGEMENT MAY BECOME CODE ENFORCEMENT AGENTS; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, Section 98-1 of the City of Atlanta ("City") Code of Ordinances ("Code") outlines the application process for special police officers, their authority, and a list of persons who are eligible to become such officers; and

WHEREAS, the City's Department of Police desires to amend Section 98-1 of the Code to change the name of special police officers to 'code enforcement agents', and to more accurately define the function; and

WHEREAS, Chapter 74, Article IX protects the public health, safety, environment and general welfare by regulating non-stormwater discharges to the storm sewer system of the City; and

WHEREAS, Section 74-440 states that the commissioner of Watershed Management or any authorized agent of the Department may, with permission from the property owner, enter and inspect public and private property in the City to determine whether such property is free from any condition that may be in violation of Article IX; and

WHEREAS, Section 74-440 further provides that for the purpose of inspecting property, the agent of the Department of Watershed Management is clothed with police power and shall be designated a special officer of the city; and

WHEREAS, the Department of Police desires to delete the language which confers police powers upon such personnel and designates them special officers, and provide these officers and employees with the opportunity to become code enforcement agents pursuant to Section 98-1; and

WHEREAS, the Department of Police and the Department of Watershed Management are in agreement with these employees applying for status as code enforcement agents.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

SECTION 1: That the fist paragraph of Chapter 74, Article IX, Division 2, Section 74-440 of the City of Atlanta Code of Ordinances, which reads:

The commissioner of watershed management or any duly authorized agent of the department may, upon the permission of the property owner, enter on and inspect any and all public and private property in the city to determine by inspection that those properties are or not free of any condition which may be in violation of this article. For the purpose of this duty, the agent of the department of watershed management is clothed with police powers and shall be designated a special officer of the city.

be hereby amended to read as follows:

The commissioner of watershed management or any duly authorized agent of the department may, upon the permission of the property owner, enter on and inspect any and all public and private property in the city to determine by inspection that those properties are or not free of any condition which may be in violation of this article. For the purpose of this duty, the agent of the department of watershed management is eligible to apply for status as a code enforcement agent under Section 98-1. In order to enforce code provisions and issue citations, the agent of the Department of Watershed Management must apply for and receive status as a code enforcement agent.

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

TRANSMITTAL FORM FOR LEGISLATION

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TO: MAYOR'S OFFICE	ATTN: GREG PRIDGEON
Legislative Counsel (Signature): Simone D. Brathwaite	Meadine
Contact Number:_x 6310	
Originating Department: _Department of Police	
Committee(s) of Purview:Public Safety and Legal Ad	ministration
Council Deadline:August 28, 2006	
Committee Meeting Date(s):September 12-13, 2006_ September 18, 2006	Full Council Date:
Commissioner Signature 10 Wounda	
CAPTION AN ORDINANCE TO AMEND CHAPTER 74, ARTICLE 74-440 OF THE CITY OF ATLANTA CODE OF C 'ACCESS AND INSPECTION OF PROPERTIES AND CERTAIN DULY AUTHORIZED AGENTS OF T WATERSHED MANAGEMENT MAY BECOME CODE I TO WAIVE CONFLICTING ORDINANCES; AND FOR O	PROPORTION OF THE DEPARTMENT OF
FINANCIAL IMPACT:	
Mayor's Staff Only	
Received by Mayor's Office: 8.29.06 Review	ed by: (date)
Submitted to Council: (date)	



AN ORDINANCE BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE TO AMEND CHAPTER 30, ARTICLE III, DIVISION 1, SECTION 30-59 OF THE CITY OF ATLANTA CODE OF ORDINANCES, ENTITLED 'COMPLIANCE INVESTIGATORS', SO THAT COMPLIANCE INVESTIGATORS ARE ELIGIBLE TO APPLY FOR STATUS AS CODE ENFORCEMENT AGENTS; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, Section 98-1 of the City of Atlanta ("City") Code of Ordinances ("Code") outlines the application process for special police officers, their authority, and a list of persons who are eligible to become such officers; and

WHEREAS, the City's Department of Police ("Department") desires to amend Section 98-1 of the Code to change the name of special police officers to 'code enforcement agents', and to more accurately define the function; and

WHEREAS, it is also the Department's intent that the term 'special police officer' be deleted from Section 30-59 of the Code and replaced with 'code enforcement agent' so that term is consistent throughout the Code.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HERBY ORDAINS as follows:

SECTION 1: That Chapter 30, Article III, Division I, Section 30-59 of the City of Atlanta Code of Ordinances, which reads:

Compliance investigators are authorized, when so designated by the chief financial officer, to conduct investigations in the manner provided elsewhere in this article. Compliance investigators shall take the oath required of special police officers and have the right to wear the badge worn by those police officers. Compliance investigators may cite individuals or persons for violation of this article but are not empowered to arrest any individual for any violation of this article, and, notwithstanding any authority to the contrary elsewhere in the Atlanta City Code of Ordinances, shall not arrest any individual for any violation of this article.

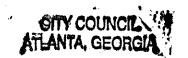
be hereby amended to read as follows:

Compliance investigators are authorized, when so designated by the chief financial officer, to conduct investigations in the manner provided elsewhere in this article. Compliance investigators are eligible to apply for status as code enforcement agents under section 98-1. In order to enforce code provisions and issue citations, compliance investigators must apply for and receive status as a code enforcement agent. Compliance investigators may cite individuals or persons for violation of this article but are not empowered to arrest any individual for any violation of this article, and, notwithstanding

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TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE	ATTN: GREG PRIDGEON
Legislative Counsel (Signature):_Simone D. Brathwaite	St Bathers
Contact Number:x 6310	74
Originating Department: _Department of Police	polymers and the polymers and the second sec
Committee(s) of Purview:Public Safety and Legal Ad	ministration
Council Deadline: August 28, 2006	***************************************
Committee Meeting Date(s):September 12-13, 2006_ September 18, 2006	Full Council Date:
Commissioner Signature DC Lo Boula	
CAPTION AN ORDINANCE TO AMEND CHAPTER 30, ARTICLE 30-59 OF THE CITY OF ATLANTA CODE OF ('COMPLIANCE INVESTIGATORS', SO THAT COMP ARE ELIGIBLE TO APPLY FOR STATUS AS CODE TO WAIVE CONFLICTING ORDINANCES; AND FOR (ORDINANCES, ENTITLED LIANCE INVESTIGATORS ENFORCEMENT AGENTS:
FINANCIAL IMPACT:	
Mayor's Staff Only	
Received by Mayor's Office: 2. 27.06 Review	wed by: (date)
Submitted to Council: (date)	



AN ORDINANCE BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE TO AMEND CHAPTER 130, ARTICLE I, SECTION 130-2 (c) OF THE CITY OF ATLANTA CODE OF ORDINANCES, SO THAT CERTAIN DULY AUTHORIZED AGENTS OF THE DEPARTMENT OF PUBLIC WORKS OR OTHER CITY DEPARTMENTS MAY BECOME CODE ENFORCEMENT AGENTS; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, Section 98-1 of the City of Atlanta ("City") Code of Ordinances ("Code") outlines the application process for special police officers, their authority, and a list of persons who are eligible to become such officers; and

WHEREAS, the City's Department of Police desires to amend Section 98-1 of the Code to change the name of special police officers to 'code enforcement agents', and to more accurately define the function; and

WHEREAS, Section 130-2 provides the standards for the maintenance of public or private property by owners and occupiers within the City, sets forth conditions which constitute a violation of the Section, and establishes the guidelines for notifying property owners and occupiers of unsanitary conditions; and

WHEREAS, pursuant to Section 130-2 (c) the commissioner of Public Works or any authorized agent of the Department of Public Works or other City departments, is authorized to enter and inspect public and private property in the City to determine whether such property is being kept in a manner that is healthy, sanitary, sightly and aesthetic to the occupants, neighborhood, and community; and

WHEREAS, Section 130-2 (c) further provides that for the purpose of inspecting property, those employees who are authorized to carry out such inspections are clothed with police power and shall be designated a special officer of the City; and

WHEREAS, the Department of Police desires to delete the language which confers police powers upon such employees and designates them special officers, and provide the employees with the opportunity to become code enforcement agents pursuant to Section 98-1; and

WHEREAS, the Department of Police and the Department of Public Works are in agreement with these employees applying for status as code enforcement agents.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

SECTION 1: That Chapter 130, Article I, Section 130-2 (c) of the City of Atlanta Code of Ordinances, which reads:

(c) Inspection of premises. The commissioner of public works or any duly authorized agent of the department of public works or other city departments may enter on and inspect any and all public and private property in the city to determine by inspection that those properties are or are not free of any condition which may be in violation of this section or chapter. For the purpose of this duty, the sanitation code enforcement officer, including code enforcement officers, route supervisors, assistant sanitary area supervisors, sanitary area supervisors or subsequent classification titles performing the same duties, is clothed with police powers and shall be designated a special officer of the city.

be hereby amended to read as follows:

(c) Inspection of premises. The commissioner of public works or any duly authorized agent of the department of public works or other city departments may enter on and inspect any and all public and private property in the city to determine by inspection that those properties are or are not free of any condition which may be in violation of this section or chapter. For the purpose of this duty, the sanitation code enforcement officer, including code enforcement officers, route supervisors, assistant sanitary area supervisors, sanitary area supervisors or subsequent classification titles performing the same duties, are eligible to apply for status as code enforcement agents under section 98-1. In order to enforce code provisions and issue citations, these employees must apply for and receive status as a code enforcement agent.

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE	ATTN: GREG PRIDGEON
Legislative Counsel (Signature):_Simone D. Brathwaite	Straft.
Contact Number:x 6310	
Originating Department: _Department of Police	
Committee(s) of Purview:Public Safety and Legal Ac	lministration
Council Deadline:August 28, 2006	
Committee Meeting Date(s):September 12-13, 2006_ September 18, 2006	Full Council Date:
Commissioner Signature VOLSound	
CAPTION AN ORDINANCE TO AMEND CHAPTER 130, ARTIC: THE CITY OF ATLANTA CODE OF ORDINANCES, AUTHORIZED AGENTS OF THE DEPARTMENT OF P CITY DEPARTMENTS MAY BECOME CODE ENF WAIVE CONFLICTING ORDINANCES; AND FOR OTH	SO THAT CERTAIN DULY UBLIC WORKS OR OTHER ORCEMENT AGENTS; TO
FINANCIAL IMPACT:	
Mayor's Staff Only	
Received by Mayor's Office: 8.39.66 Revie	wed by: (date)
Submitted to Council: (date)	

BY

AN ORDINANCE Clothe Henricon

AN ORDINANCE AMENDING THE 2006 (INTERGOVERNMENTAL GRANT FUND) BUDGET, DEPARTMENT OF POLICE ("DEPARTMENT") BY ADDING TO ANTICIPATIONS AND APPROPRIATIONS IN THE AMOUNT OF SEVENTY THOUSAND DOLLARS (\$70,000.00) FOR GRANT FUNDS FROM THE GEORGIA EMERGENCY MANAGEMENT AGENCY IN ORDER TO PURCHASE PORTABLE POLICE BARRICADES FOR HOMELAND SECURITY PREPAREDNESS; AND FOR OTHER PURPOSES.

WHEREAS, the Department must be equipped with the proper tools to effectively manage large crowds and maintain public safety when necessary; and

WHEREAS, the Georgia Emergency Management Agency ("GEMA") has received funds from the United States Department of Homeland Security to provide grant funds to purchase portable police barricades for homeland security preparedness; and

WHEREAS, GEMA awarded the Department a grant in an amount not to exceed seventy thousand dollars (\$70,000.00) to purchase portable police barricades to effectively manage large crowds and maintain public safety.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That the 2006 (Intergovernmental Grant Fund) Budget, Department of Police, is hereby amended as follows:

ADD TO ANTICIPATIONS

1B02 J53X0210JCX0 432101

Grant Reimbursement., Refunds, & Other Receipts

State Grants, Entitlements

\$70,000.00

Total

\$70,000.00

ADD TO APPROPRIATIONS

1B02 X11T0790JCX0

Portable Police Barricades

Appropriations

\$70,000.00

Total

\$70,000.00

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

CITY COUNCIL ATLANTA, GEORGIA

06- 2-2107

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF THE CLAIM OF CYNTHIA MINCEY IN THE AMOUNT OF \$735.85 AGAINST THE CITY OF ATLANTA AND FOR OTHER PURPOSES

WHEREAS, CYNTHIA MINCEY, has filed a claim against the City of Atlanta seeking damages to her vehicle due to driving through an open and unsecured construction cut on Metropolitan Parkway, SW at its intersection with Erin Avenue, SW; and

WHEREAS, the claimant asserted damages in the amount of \$735.85 and has agreed to accept this sum in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of CYNTHIA MINCEY, be settled for the sum of \$735.85; and

WHEREAS, this claim was previously recommended for denial on the basis that the open construction cut was the responsibility of the Georgia State Department of Transportation and the Council of the City of Atlanta adopted an adverse recommendation on July 17, 2006; and

WHEREAS, information has recently been received confirming that this construction cut was in fact created by the Bureau of Wastewater Treatment and Collections and was left in an unsafe and unsecured manner.

THEREFORE, BE IT RESOLVED that resolution number 06-R-1517 be hereby rescinded.

BE IT FURTHER RESOLVED by the Council of the City of Atlanta, Georgia that payment in the amount of \$735.85 be made by the City of Atlanta to CYNTHIA MINCEY, in satisfaction of any and all claims stemming from damages sustained on or about July 15, 2005, at Metropolitan Parkway, SW at its intersection with Erin Avenue, SW and that the City Attorney prepare appropriate releases.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to pay the above mentioned sum from account number 2J01 (Water and Sewer Fund) 529017 (Property Liquidation) Q30001 (Deputy Director Wastewater Treatment and Collections).

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. <u>05L0807</u>	Date: September 14, 2006
Claimant /Victim: Cynthia Mincey	
RV:(Atty)(Inc. Co.)	
BY:(Atty)(Ins. Co.) Address: 1411 Beatie Avenue, Atlanta, GA 3031	0
Subrogation: Claim for Property damage \$	3 280 62 Rodily Injury \$
Date of Notice: 9/19/05 Method: W.	3,280.62 Bodily Injury \$
Conforms to Notice: O C G A 836-33-5	X Ante Litem (6 Mo.) X
Data of Occurrence: 7/15/05	A Antic Litetii (0 1/10.) A
Dancetment: Watershed Management	ace: 1292 Metropolitan Parkway Bureau: Wastewater Treatment and Collections
Employee involved:	Dissiplinary Actions
Employee involved.	Disciplinary Action:
NATURE OF CLARA. The element allowed by	
NATURE OF CLAIM: The claimant alleges that her	vehicle sustained damage when she drove over an unsecured
construction cut at the above location. This claim wa	as originally denied as we had no information supporting the
claimant's allegation. However, additional informa	ation was submitted to us from the Georgia Department of
	astewater Treatment and Collections performed the work which
caused damage to the claimant's vehicle.	
INVESTIGATION:	
Statements: City amployee Claimant Y	Y Others Written V Orel
Piotures Diagrams Reports: Polis	X Others Written X Oral ce Dept Report X Other Claimant Driver
Troffic citations issued: City Driver	Claimant Driver
Citation diamonitions City Driver	Claimant Driver
Citation disposition. City Driver	Claimant Driver
BASIS OF RECOMMENDATION:	
Function: Governmental	Ministerial XOther Damages reasonable
Improper Notice More than Six Months	Other Damages reasonable
City not involved Offer reie	cted Compromise settlement
Renair/replacement by Ins. Co.	Repair/replacement by City Forces
Claimant Negligent City Negligent	Repair/replacement by City Forces X Joint Claim Abandoned
on the state of th	
	Respectfully submitted,
	N. A.L.
	Malanki/X)
	INVESTIGATOR - ANGELENA KELLY
RECOMMENDATION:	
Day \$ 725.85	t sharged, 1AA1 2IA1 V 2IIA1 2D01
	t charged: 1A01 2J01 X 2H01 2P01
Claims Manager: / ///	Concur/date 69/14/06
Committee Action:	Council Action/
/	

Entered – 9/19/05 - sb CL- 05L0807 - Angelena Kelly

Claim of: Cynthia Mincey 1411 Beatie Avenue Atlanta, GA 30310

For damages allegedly sustained as a result of driving over a pothole on July 15, 2005 at 1292 Metropolitan Parkway.

THIS ADVERSED REPORT IS APPROVED

BY:

JERRY L. DELOACH DEPUTY CITY AFTORNEY

ADVERSE REPORT

PUBLIC SAFTEY &

LEGAL ADMINISTRATION COMMITTEE

DATE:_

CHAIR:

C. Ty Mayli

- T

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. <u>05L0807</u>	Date: <u>June 27, 2006</u>
Claimant Wistims Canthia Minaga	
Claimant /Victim: Cynthia Mincey BY:(Atty)(Ins. Co.)	
Address: 1411 Beatie Avenue, Atlanta, GA	30310
Subrogation: Claim for Property dama	ge \$ 3 280 62 Bodily Injury \$
Date of Notice: 9/19/05 Metho	d: Written proper X Improper
Conforms to Notice: O.C.G.A. 836-33-5	ge \$ _3,280.62 Bodily Injury \$
Date of Occurrence: 7/15/05	Place: 1292 Metropolitan Parkway
Department: Public Works	Bureau: Transportation
Employee involved:	Disciplinary Action:
	1
NATURE OF CLAIM: The claimant alleges that	her vehicle sustained damage when she drove over a pothole at the
	rmined that this location is maintained by the state and has been
	ortation for handling. The claimant has been advised to pursue her
claim with the Georgia Department of Transports	
ciami with the deergia by parameter itemsport	
INVESTIGATION:	
Statements: City amployee Claimant	X Others Written X Oral
Distance Dispersus Reports:	Police Dept Report Other
Traffic citations issued: City Driver	Claimant Driver
Citation disposition: City Driver	Claimant Driver
Citation disposition.	
BASIS OF RECOMMENDATION:	
Eunstion: Covernmental	Ministerial Y
Improper Notice More than Six Mont	Ministerial X hs Other Damages reasonable
City not involved X Offer	rejected Compromise settlement
Renair/renlacement by Ins. Co.	Renair/renlacement by City Forces
Claimant Negligent City Negligent	Repair/replacement by City Forces Joint Claim Abandoned
Chairmant Progregorie Only Progregorie	Old Touristics
	Respectfully submitted,
	1
	INVESTIGATOR - ANGELENA KELLY
RECOMMENDATION:	•
Pay \$ Adverse X Ac	count charged: 1A012J012H012P01
Claims Manager:	Concur/date
Committee Action:	Council Action

FORM 23-61

COUNCIL OF THE CITY OF ATLANTA	RE: CLAIM FOR DAMAGES // // U
MUNICIPAL CLERK	Today's Date: 9/11/05 09/20105
City Hall	Today 3 Batte. TTTP-15
55 Trinity Avenue, S.W. Atlanta, Georgia 30335	2,447,54 - CAE ROSCH 25000-Aly CHSH Deductible
OF TAK	RED - 9-30-05 - SB 34.00-Nyarta Can Xalus
This is to notify the City of Atlanta that I have suffered damage and/or \$ bodily injury for which I con	tend the City is liable. Total 3, 250,60
(month day/ year)	e of Incident: 21.37pm 3. Police called: X Yes No
4. Location of incident (including street address): 12 93	- Mekapolitan PKy SW
5. Name of your insurance company:	Cas un/ 44 AH CA Policy No. 04 010 29933
6. State what and how incident occurred: My vehicle	and eight other vehicles dove Nineth on
	have once an uncovered hope on the
readuras. Each vehicle beceived	danage From the right Front ends
Ou The model of	ASSENJET WE SUSTAINED MINON INJUNES.
RESULT IN YOUR CLAIM BEING DENIED AND MA	
 The registered owner must make the claim for vehicle da proof of ownership of your vehicle (copy of the current tag 	mages, complete the following and attach two (2) estimates of repair and receipt or title).
2012 Mountate Malike	AGUTZOI CIWHIA L. MINCO
Your vehicle: (Make) (Year)	(Tag Number) (Driver's Name)
City vehicle:	's Name) 4.0 (Department/Rureau)
	Is Name) Are AH. CA 30310-404-155-9139
9. Witness: Per (Address) (Address) (Address)	AHawta, GA 30315 — (Telephone Number) s the Sovereign immunity of the City of Atlanta, as granted by City of Atlanta and/or its employee(s)
10. The acknowledgment of this claim in no way waive	the Sovereign immunity of the City of Atlanta, as granted by City of Atlanta and/or its employee(s).
State law, nor is it an admission of liability on behalf of the	
State law, nor is it an admission of nability of behalf of the 11. Claims must be received within 6 months of the event.	
State law, not is it an admission of habitity of behalf of the 11. Claims must be received within 6 months of the event. LUERERY SWEAR OR AFFIRM THAT THE ABOVE	Gunthia L. Mincey (Print Claimant's Name)
State law, not is it an admission of habitity of behalf of the law. 11. Claims must be received within 6 months of the event.	Genthia L. Mincey (Print Claimant's Name) 1411 Beable Are SW
State law, not is it an admission of habitity of behalf of the 11. Claims must be received within 6 months of the event. LUERERY SWEAR OR AFFIRM THAT THE ABOVE	
State law, not is it an admission of habitity of behalf of the 11. Claims must be received within 6 months of the event. LUERERY SWEAR OR AFFIRM THAT THE ABOVE	Genthia L. Mincey (Print Claimant's Name) 1411 Beable De SW

CLAIMS

A RESOLUTION BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE DEPARTMENT POLICE ("DEPARTMENT"), TO EXECUTE OF COOPERATIVE PURCHASING AGREEMENT PURSUANT TO CHAPTER 2, ARTICLE X, DIVISION 15, SECTION 2-1601, ET. SEQ. OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, UTILIZING STATE OF GEORGIA CONTRACT NUMBER GS-07F-0223N, WITH THE HIGHLAND PRODUCTS GROUP, LLC., FOR THE PURCHASE OF NINE HUNDRED FORTY (940) PORTABLE POLICE BARRICADES IN AN AMOUNT NOT TO EXCEED SEVENTY THOUSAND DOLLARS (\$70,000.00); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND, ACCOUNT, AND CENTER NUMBER 1B02 (INTERGOVERNMENTAL GRANT FUND) 521101 (SUPPLIES-CONSUMABLE) X11T0790JCX0 (PORTABLE POLICE BARRICADES); AND FOR OTHER PURPOSES.

WHEREAS, in the event of a terrorist attack or major natural disaster the City of Atlanta ("City") must be prepared to manage large crowds in a densely populated area; and

WHEREAS, the City must also be able to manage large crowds as a result of any major demonstration or social event; and

WHEREAS, the Department must be equipped with the proper tools to effectively manage large crowds and maintain public safety when necessary; and

WHEREAS, the Department wishes to obtain portable police barricades to effectively manage large crowds and maintain public safety; and

WHEREAS, pursuant to Chapter 2, Article X, Division 15, Section 2-1606 of the Code of Ordinances of the City of Atlanta, Georgia, the Chief Procurement Officer may procure supplies, services or construction items through contracts established by the purchasing division of the State where such contracts and contractors substantially meet the requirements of this Article; and

WHEREAS, the Chief of Police recommends utilizing the State of Georgia Contract # GS-07F-0223N with Highland Products Group, LLC. to purchase nine hundred forty (940) portable police barricades.

THE CITY COUNCIL OF THE CITY OF ATLANTA HEREBY RESOLVES, that the Mayor is hereby authorized, on behalf of the Department of Police, to enter into a cooperative purchasing agreement with Highland Products Group, LLC., utilizing the State of Georgia Contract # GS-07F-0223N, in an amount not to exceed seventy thousand dollars (\$70,000.00) to purchase nine hundred forty (940) portable police barricades.

BE IT FURTHER RESOLVED, that all contracted work shall be charged to and paid from Fund, Account, and Center number 1B02 (Intergovernmental grant fund) 521101 (supplies-consumable, and X11T0790JCX0 (Portable Police Barricades).

BE IT FURTHER RESOLVED, that the City Attorney be and is directed to prepare the appropriate contractual agreement for execution by the Mayor.

BE IT FURTHER RESOLVED, that the agreement(s) authorized hereunder shall not become binding upon the City and the City shall incur no obligation or liability hereunder until the same has been signed by the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form, and delivered to Highland Products Group, LLC.

AN ORDINANCE
BY COUNCILMAN JIM MADDOX

AN ORDINANCE TO AMEND ARTICLE XXIV, SECTIONS 30-1461 ET SEQ. OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA ENTITLED "VENDING ON PRIVATE PROPERTY" SO AS TO ADOPT THE RECOMMENDATIONS OF THE PRIVATE PROPERTY VENDING POLICY AND ADVISORY COMMITTEE SAID RECOMMENDATIONS BEING HERETO ATTACHED AS EXHIBIT "A"; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

Whereas, the City has the responsibility to regulate, and prohibit any act, practice, conduct, or use of property which is detrimental, or likely to be detrimental, to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the City and to provide for the enforcement of such standards; and

Whereas, the City has the power to make, ordain, and establish such bylaws, ordinances, rules, and regulations as shall appear necessary for the security, welfare, convenience, and interest of the City and the inhabitants thereof and for preserving the health, peace, order, and good government of the City; and

Whereas, pursuant to its police powers, the City of Atlanta is authorized to enact legislation to regulate certain types of businesses and industries which could potentially affect the public health, safety and welfare, including vending on private property; and

Whereas, there is a proliferation of private property vendors some of whose vending sites and structures are unsightly and unsafe; and

Whereas, this proliferation of private property vendors has also led to traffic congestion and the creation of dangerous traffic conditions; and

Whereas, the City ordinances regarding vending on private property should be reviewed, revised and updated in order to eliminate the problems associated with vending on private property; and

Whereas, the Private Property Vending Policy and Advisory Committee was created to perform such a review and to make recommendations to the City Council and the Mayor; and

Whereas, the Committee has completed its work and has submitted its recommendations; and

Whereas, said recommended changes must now be incorporated into the City's private property vending ordinance.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS as follows:

Section 1: Article XXIV, Sections 30-1461 et seq. of the Code of Ordinances of the City of Atlanta, Georgia entitled "Vending on Private Property" is hereby amended so as to adopt and incorporate therein, the recommendations of the Private Property Vending Policy and Advisory Committee said recommendations being hereto attached as Exhibit "A".

Section 2: All ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

Introduction

Background Rational for Private Property Vending:

The vending ordinance was passed in the 1970's to give small business persons a temporary opportunity to transition into a permanent business.

Changing Times and Economic Growth and Development:

The Atlanta area has undergone massive changes since passage of the private property vending ordinance. Population growth, a more urban atmosphere, and other factors that either contribute to the desirability of a neighborhood or detract from its appeal to a broad-based residential and commercial market.

Changes in community standards are reflected in the reduction of opportunities to vend within some of the newer zoning designations that restrict approval of outdoor private property vending only through special administrative permits.

The collective, cumulative impact from <u>some</u> outdoor private property vending as it has been allowed to exist in <u>some</u> instances:

- contributes to physical disorder and decline within distressed communities
- adds to the challenge of attracting\retaining quality economic growth and development opportunities for the surrounding community

All of which impacts available tax revenue for the entire City for necessary services such as schools, roads, sanitation, parks, and public safety.

A balance of interests must exist in all communities.

While the scope of work for the Private Property Vending Task Force was limited, we felt compelled to provide additional recommendations beyond our scope, and have included those comments at the end of the report.

Addendums included in the recommendations contain the following information:

Addendum A: Additional Recommendations Beyond Scope of Task Force

Addendum B: Example of Recommended Vending Apparatus

Addendum C: Jurisdictions Used as References for Vending Standards

Addendum D: Photographs of Current Practices

Recommendations

Section 1: Policy Statement

The intent of outdoor private property vending is to serve a short-term need and not to be a permanent or quasi-permanent feature of a private property.

Section 2: Categories

Because of the varying types of outdoor private property vending, the recommendation is to distinguish the vending activities by category. This allows for the flexibility to tailor standards without casting a broad net which may have unintentional consequences on all outdoor private property vending activity.

The Task Force focused on changes on the <u>single category</u> of vending which holds the most concern in impacted neighborhoods, and makes no recommendations for other categories. However, we suggest a review of time length of permits (particularly the three 45-day permit renewals per year) cite requirements (particularly park availability in the Seasonal Extended category), and aesthetic standards in other categories as necessary.

Sample Category Permit Titles

Outdoor Private Property Vending:	Seasonal Short-term (Exclusive to X-mas trees, Halloween pumpkins, etc.)	Seasonal Extended (Perishable produce only - Sales usually last approx. 6 months)	Sporting & Concert Venues (any items sold at single sporting events, entire sports season, single concert events at major venues, i.e., Ga. Dome & Turner Field)
Focus Category Outdoor Private Property Vending:	Short-term Merchandise (non perishable items only- not to be combined with any other category) Permit: 14-day maximum permit		

^{*} Permit categories may not be combined.

Section 3: Recommended Changes to Requirements and Restrictions

Site Requirements

Parking requirements:

Site plan must show available parking spaces of existing site exceeds the minimum parking requirements in order to accommodate vending customers as well as customers of the existing (permanent) business.

. Vending Restrictions and Prohibitions

Note: Combine existing zoning (16-28.008) and police requirements (Section 30-1464) regarding where vending can occur on a site into the zoning ordinances (Intent: Increase efficiency of the enforcement process. This is in no way intended to interfere with police power to enforce conditions set forth in the Permit.)

- Any power sources must be depicted in the site plan and must not originate from power source of an existing permanent business, and must meet applicable safety code standards.
- Vending structures shall not be left unattended or stored at any time on the vending site when vending is not taking place or during restricted hours of operation.
- Hours of operation shall be from 8 a.m. to 8 p.m.
- Amplified sound or sound equipment is prohibited.
- Flashing lights are prohibited.

Application Requirements:

Evidence of Permission to Vend on Private Property

• Amend existing "permission from property owner\leaseholder" language to include: Agreement must be <u>notarized</u> and a 24-hour contact number of the property owner or leaseholder shall be provided along with the permit application and to be part of the required cite plan.

Evidence of Acknowledgement of Zoning Regulations

Standard required language in written permission to vend agreement (or a separate acknowledgment form) acknowledging that property owner\leaseholder is aware of zoning requirements for the property as they relate to vending and responsibility in violations found under zoning regulations related to vending (location of vending on the site, storage of vending structures on site, parking requirement, etc.).

Distance Requirements

 1,500 foot minimum distance from like permanent businesses selling same or similar products. 1,500 foot minimum distance between vendors. (If violation occurs, the most recent permit issued within the restricted distance area will be invalid.) Intent: Reduce "clustering" of vendors in a particular area)

Site Plan

Site plan to be included in application.

Required Aesthetic Standards for Display of Merchandise and Vending Structures:

- Vending is permitted from tables only. Table restricted to one (1) portable folding table only, not to exceed 4X8 in size.
- Canopy: If used, must be unenclosed portable folding canopy only. One (1) canopy permitted (not required), shall be white in color, shall not contain any writing and not to exceed 10x10 is size.
- Canopy structures supported or anchored by ropes, containers, or similar devises is prohibited.
- Vending structures must be removed from vending site when vendor is not doing business and during restricted hours of operation.
- Vending structure must be in good repair at all times.
- Merchandise shall be displayed on table only and shall not be higher than one level at any point or displayed above or below table level at any time.
- Storage of merchandise in boxes or containers around vending structure prohibited.
- If signage is allowed, no more than one (1) sign not to exceed 2'x 3' in size and displayed only on or attached to the vending table. Must be included in site plan if signage to be used.
- Description of structures and hours of operation to be used to be a part of site plan.

Length of time allowed at a site:

- Maximum 14 days
- Permit location is not transferable. No more than 2 permits per calendar year shall be issued for one address. (Shortest periods of jurisdictions investigated range from 7 to 9 days. 14 days will allow for 2 weekends)
- No vending permit shall be issued that allows same vender to vend at same location more than 14 consecutive days. "Same location\ one location" shall mean a property or group of contiguous or noncontiguous properties, whether or not under common ownership, which are under a common street address, both as to house or building number and street name. (Intent: Reduce appearance of "permanent" vending at any location, and end the practice of roll-over of permits. The one year limitation has been back- doored when a vendor who has exceeded the time limitation at a location has a family member, etc., file for a new license and continues vending at same location under the new license.)

Note: Review permit fee schedule to adjust from 45-day fee to 14- day fee.

Enforcement: Penalties found to be sufficient if enforcement occurs. However enforcement problems exist due to:

• Insufficient APD Permits enforcement and Zoning enforcement staff have resulted in inconsistent attention to enforcement of laws pertaining to outdoor private property vending

Notification:

Zoning Permits to notify district councilperson and effected NPU upon receipt of vending application. Copy of required cite plan shall be available upon request.

Cite Plan:

• In addition to recommended additions to site, a picture depicting correct standards will be included with application and will be included in the site plan to be on display at all times.

Miscellaneous Recommendation:

Review the interpretation recently given to APD Permits regarding the definition of the phrase "one year" in the existing vending law. Vending currently restricts the same vendor to only one year at any single location. However, a recent legal interpretation stated that "one year" is 365 continuous days and not a calendar year. As a result of this interpretation, in several documented instances the same outdoor private property vendors have been at the same locations for several years because Permits is unable to establish that their time at the same location has exceeded 365 continuous days. This may go against the intent behind the time limitation passed by Council two years ago. A review of this situation is important because any new laws and standards will not be retroactive.

Addendum A.

Long and Short Term Recommendations to Address Private Property Vending in the City of Atlanta

Incorporated within our recommendations are additional comments to be considered to stimulate meaningful dialog and encourage movement towards taking serious, effective steps towards truly helping vendors become permanent business owners.

Short term possibilities:

- Divert taxes collected from outdoor private vendors and place them into a fund whereby vendors can apply for micro loans and/or receive grants to transfer their operation into a fixed location, i.e. a storefront, or improve their existing operation by upgrading their equipment.
- Enter into an agreement with known hardware merchants (Home Depot, Loews, Ace) whereby those private vendors who are in compliance with the laws (appearance, payment of taxes, valid license, etc.) receive a discount, as agreed upon by all parties involved, on goods needed to maintain operation (canopy, tables, etc.).
- Provide classes and/or seminars to educate private property vendors on improving their business, raising capital, marketing, or any other skill possibly lacking which is impeding their ability to move beyond private property vending.

Long term possibilities:

- Create open air markets designated for outdoor private property vendors. Markets should reflect the culture, aesthetics, and needs of the community and vendors.
- Provide incentives for transferring operations to designated sites.
- Provide notice to the public to build clientele and show support for emerging small businesses.
- Create a program by which private property vendors, who desire to establish their
 business in economically emerging communities, can become eligible for federal,
 state, or local funding so they may continue to serve said community and make
 the formal transition into a fixed location. The office of economic development
 could partner with the Small Business Administration (SBA) to facilitate this
 potential program.

Addendum B

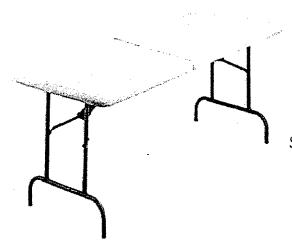
A picture and size specifications of the required vending equipment is to be part of the site plan.

Canopy size: 10x10 maximum - Color: White

(no writing)



Examples Only



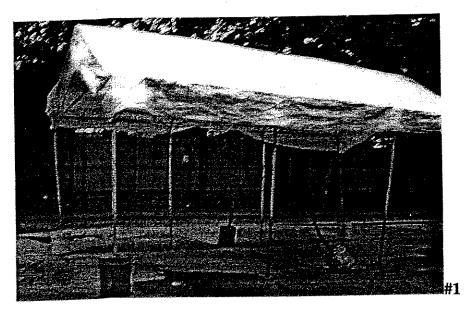
Size: Not to exceed 4x 8

Addendum C

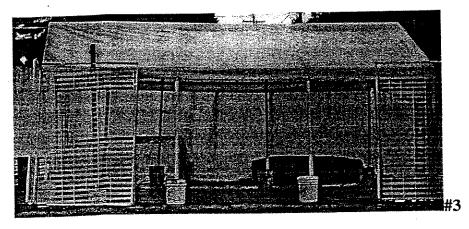
Reference sources: Cleveland, Pittsburgh, Miami, Fulton County, New Orleans

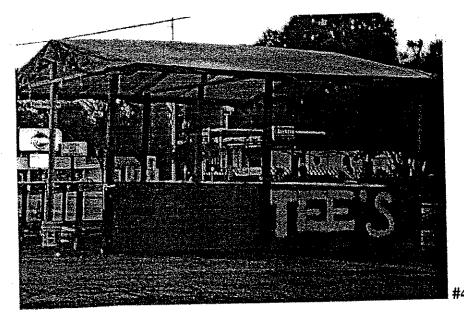
Addendum D

Vending Activity Throughout 2003-2004 on Campbellton Rd. From Ft. McPherson to Fairburn Rd.





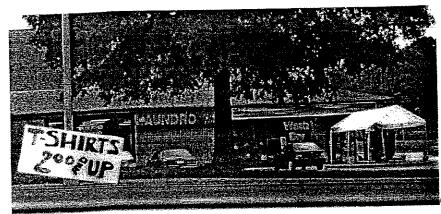






#5 (directly across from #4)





Greenbriar & Headland



Entered -7/25/05 - sb CL- 05L0571 - Angelena Kelly

Claim of: Robert Colgin 3340 Chatham Road NW Atlanta, GA 30305

For damages alleged to have been sustained as a result of flooding on July 9, 2005 at 3340 Chatham Road NW.

THIS ADVERSED REPORT IS APPROVED

BY:

DEPUTY CYTY ATTORNEY

ADVERSE REPORT

PUBLIC SAFTEY &

LEGAL ADMINISTRATION COMMITTEE

2-20-2006 Refer to Public Safety & Legal Administration

Date: 2/28/06 Hald (Muller)

Entered 01/25/06 sb **CL 06L0051 – LISA CARTER**

CLAIM OF: GREGORY V. BURSON, JR. 183 Haygood Avenue, SE Atlanta, Georgia 30315

For damages alleged to have been sustained as a result of striking an open construction cut on January 18, 2006 at 832 Pryor Street, SW.

THIS ADVERSED REPORT IS APPROVED

BY:

JERRY L. DEKOACH DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFTEY &

LEGAL ADMINISTRATION COMMITTEE

DATE:__

CHAIR:

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AN ORDINANCE
BY COUNCILMEMBERS H. LAMAR WU

THE CODE **OF ORDINANCE** TO **AMEND** AN ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, CHAPTER 162, ARTICLE 2, SECTION 162-61(a) AND CHAPTER 162, ARTICLE 2, SECTION 162-34(f) TO ALLOW SHORT BREAKS IN SERVICE FOR TAXICABS; TO ALLOW THE CHIEF OF POLICE OR HIS DESIGNEE, DISCRETION TO GRANT FURTHER EXTENSION FOR SLIP **MATTERS:** TO REPEAL CORRECTION FOR **OTHER** CONFLICTING ORDINANCES; AND PURPOSES.

AND C.T. MARTIN

WHEREAS, the City of Atlanta has an interest in maintaining the public health, safety and welfare; and

WHEREAS, pursuant to its police powers the City of Atlanta is authorized to enact legislation to regulate certain types of businesses and industries which could potentially affect the public health, safety and welfare, including businesses which involve Vehicles for Hire.

WHEREAS, drivers of vehicles for hire are sometimes required to be away from their occupation for short periods of time.

WHERAS, drivers sometimes need an additional period of time to correct items that the Bureau has noted as deficiencies in the inspection process.

NOW THEREFORE, the Council of the City of Atlanta, Georgia hereby ordains as follows:

SECTION 1. That Chapter 162, Article 2, Section 162-61(a) of the City of Atlanta Code of Ordinances is hereby amended to delete the third paragraph of the subsection and to insert in lieu thereof the following language, so that said subsection shall read as follows.

(a) As of August 15, 2001, no new or replacement taxicab vehicle may be operated as a taxicab in the city if such vehicle is greater than five years old. However, any such new or replacement vehicle for which a CPNC is obtained may continue to be operated as a taxicab through that vehicle's eighth model year provided that the vehicle continues to be in compliance with all other provisions of the City Code which pertain to the regulation of taxicabs licensed to operate in the city. For purposes of the preceding sentence, a vehicle that has been operated as a taxicab continuously beyond five years shall not be deemed to be out of compliance with any

provision of the City Code pertaining to the regulation of taxicabs licensed to do business in the city if such vehicle is not operated as a taxicab and is not insured pursuant to the requirements of this ordinance for a period not to exceed ninety days, and the taxicab company or CPNC holder has provided the Bureau with notice that such vehicle will not be in service and such notice shall be provided contemporaneously with the submission of the required information to replace a vehicle for which a CPNC has been issued, pursuant to Section 162-59. Further, such vehicle shall not be placed back in service as a vehicle for hire until it has been submitted for and passed an inspection by the Bureau.

SECTION 2. That Chapter 162, Article 2, Section 162-34(f) of the City of Atlanta Code of Ordinances is hereby amended to delete the current language and to insert in lieu thereof the following language, so that said subsection shall read as follows.

(f) If a vehicle for hire fails to pass the requirements of the bureau's inspection, a correction slip shall be issued to the driver, listing the items that need correction and showing the status of the inspection. The vehicle shall not be operated as a vehicle for hire until it successfully passes inspection; provided that the police chief or the chief's designee, in the chief's discretion, for two periods not to exceed 15 days each, may allow the continued use of a vehicle for hire which substantially complies with the inspection requirements. The police chief shall forward to the company holder a copy of the correction slip.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

AN ORDINANCE

BY COUNCILMEMBERS H LAMAR WILLS AND C.T. MARTIN

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, CHAPTER 162, ARTICLE 2, SECTION 162-57(a)(3) SO AS TO DELETE RESIDENCY REQUIREMENTS FOR SECURING OR MAINTAINING VEHICLE FOR HIRE CPNCS; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES

WHEREAS, the City of Atlanta has an interest in maintaining the public health, safety and welfare; and

WHEREAS, pursuant to its police powers the City of Atlanta is authorized to enact legislation to regulate certain types of businesses and industries which could potentially affect the public health, safety and welfare, including businesses which involve Vehicles for Hire.

NOW THEREFORE, the Council of the City of Atlanta, Georgia hereby ordains as follows:

SECTION 1. That Chapter 162, Article 2, Section 162-57(a)(3) of the City of Atlanta Code of Ordinances is hereby amended to delete the current language and insert in lieu thereof the following language so that said section reads as follows.

Section 162-57(a)(3). Be a resident, for at least one year immediately preceding the date of application, of the state, provided however that this requirement shall apply only to an applicant who is obtaining a CPNC for the first time.

SECTION 2. That Chapter 162, Article 2, Section 162-58(4) of the City of Atlanta Code of Ordinances is hereby amended to delete this subsection and to renumber the remaining subsections to reflect said deletion.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

AN ORDINANCE BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE TO WAIVE SECTION 2-1854 OF THE CITY OF ATLANTA CODE OF ORDINANCES TO ALLOW FOR THE REAPPOINTMENT OF BARNEY SIMMS TO THE LICENSE REVIEW BOARD; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Section 30-26 (a) of the City of Atlanta ("City") Code of Ordinances, members of the License Review Board shall serve for two-year terms; and

WHEREAS, Section 2-1854 (a) of the City Code of Ordinances provides that "all persons appointed to any commission, council or board created and confirmed by the council, whether such appointments and confirmations occurred before or after the enactment of the ordinance from which this section derives, shall be limited in consecutive years of service as set forth in this section"; and

WHEREAS, Section 2-1854 (b) of the Code of Ordinances further provides that the maximum number of consecutive years of service for a two-year term is four full terms; and

WHEREAS, Mr. Barney Simms has served as a member of the License Review Board for the maximum time period allowed under Section 2-1854 of the Code of Ordinances; and

WHEREAS, Mr. Simms possesses vast knowledge and experience with respect to issues coming before the board, and has been an effective and efficient leader as Chair of the License Review Board; and

WHEREAS, the Office of the Mayor desires to have Section 2-1854 of the Code of Ordinances waived, to allow Mr. Simms to serve on the License Review Board for an additional two years.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That the four term limitation on board members who serve two year terms in Section 2-1854 of the City of Atlanta Code of Ordinances is hereby waived to allow for the reappointment of Mr. Barney Simms to the License Review Board for an additional two years.

SECTION 2: That all ordinances, or parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE	ATTN: GREG PRIDGEON		
Legislative Counsel (Signature	e): XIRxaterente		
Contact Number:x 6310	,		
Originating Department: _Ma	yor's Office		
Committee(s) of Purview: _ Public Safety and Legal Administration			
Council Deadline:May 15, 2	006		
Committee Meeting Date(s): _	May 30-31, 2006 Full Council Date: June 5, 2006		
Commissioner Signature	Hidger .		
CODE OF ORDINANCES TO SIMMS TO THE LICENSE RE	E SECTION 2-1854 OF THE CITY OF ATLANTA ALLOW FOR THE REAPPOINTMENT OF BARNEY VIEW BOARD; AND FOR OTHER PURPOSES.		
Mayor's Staff Only	<u>h</u>		
Submitted to Council:	16/06 Reviewed by: (date) (date)		

AN ORDINANCE

BY COUNCILMAN C. T. MARTIN

AN ORDINANCE TO AMEND ARTICLE XXIII (ENTITLED "VENDING ON PUBLIC PROPERTY"), DIVISION 1, SECTION 30-1401, OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, SO AS TO EXEMPT DISABLED VETERANS FROM MOST OF THE PROVISIONS OF THE PUBLIC PROPERTY VENDING CODE; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

Whereas, disabled veterans are already exempt from certain requirements contained in the Public Property Vending Code; and

Whereas, the City Council wishes to expand the exemption afforded to disabled veterans.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: Article XXIII (entitled "Vending on Public Property"), Division 1, Section 30-1401, of the Code of Ordinances of the City of Atlanta, Georgia, is hereby amended by adding a subsection (4) to the definition of *disabled veteran*, which shall provide as follows:

- (4) Disabled veterans are exempt from the operation of the "Public Property Vending Code" with the exception of the following Code Sections:
- (a) Sec. 30-1405 entitled "Vending districts and locations."
- (b) Section 30-1408 entitled "Vending restrictions and prohibitions."
- (c) Section 30-1410 entitled "Hours of operation of vendor stations".
- (d) Section 30-1432 entitled "Display of permit; alteration of permit."
- (e) Section 30-1434 entitled "Grounds for denial, revocation and suspension of vendor permits."
- (f) Section 30-1435 entitled "Public hearing on suspension, revocation, or denial of permits."

Section 2: All ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of any such conflict.

06-R -1719

Entered – 11/18/03 - sb CL03L0897 - DIANNE C. MITCHELL

CLAIM OF: KAY E. STEPHENSEN AND

MARK T. GILLILAND 1125 Rosedale Drive, NE Atlanta, Georgia 30306

For damages alleged to have been sustained as a result of storm water overflow on May 16, 2003 at 1125 Rosedale Drive, NE.

THIS ADVERSED REPORT IS APPROVED

BY:

JERRY L. DÉNOACH DEPUTY CITY ATTORNEY

AN ORDINANCE BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE AMENDING CHAPTER 162, ARTICLE II, DIVISION 1, SECTION 162-33 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA ("CITY"), GEORGIA, ON BEHALF OF THE DEPARTMENT OF POLICE, BUREAU OF TAXICABS AND VEHICLES FOR HIRE ("DEPARTMENT"), FOR THE PURPOSE OF INCREASING THE FEES THE CITY ASSESSES TAXICAB DRIVERS AND TAXICAB COMPANIES IN ORDER TO OFF-SET THE FUNDING THAT'S PROVIDED BY THE CITY TO SUBSIDIZED THE DEPARTMENT'S OPERATING BUDGET; TO CREATE A TAXICAB RE-INSPECTION FEE; AND FOR OTHER PURPOSES.

WHEREAS, Chapter 162, Article II, Division I, Section 162-33 of the Code of Ordinances of the City of Atlanta, Georgia sets forth the schedule of fees the City assesses Taxicab Drivers and Taxicab Companies in order to operate within the jurisdiction of the City; and

WHEREAS, the fees set forth in Chapter 162, Article II, Division I, Section 162-33 of the Code of Ordinances of the City of Atlanta, Georgia have not been increased since 1981; and

WHEREAS, the City desires to increase the fees assessed to taxicab drivers and taxicab companies in order to off-set the funding that's provided by the City to subsidize the Department's operating budget; and

WHEREAS, the Department of Finance, Office of Budget & Fiscal Policy (OBFP) analysis of the Departments' fee revenue for the year 2004 showed total revenue in the amount of \$436,459.00, however, the Departments total operating budget was \$800,290.00 of which \$363,831.00 was subsidized from the City's 2004 General Fund; and

WHEREAS, OBFP's analysis of the Departments' fee revenue for the year 2005 showed total revenue in the amount of \$329,288.00, however, the Departments total operating budget was \$769,647.00 of which \$440,359.00 was subsidized from the City's 2005 General Fund; and

WHEREAS, OBFP's analysis further revealed that the City does not assess a reinspection fee for vehicles for hire that fail inspections, and as a result vehicle for hire user companies can have unlimited re-inspections without paying an additional fee resulting in significant cost to the City.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

Section 1: That Chapter 162, Article II, Division 1, Section 162-33 (4)(5)(6)(7)(8)(11) (12) of the Code of Ordinances of the City of Atlanta, Georgia, which reads:

- (4) Initial driver's permit, \$30.00.
- (5) Renewal of driver's permit, \$20.00.
- (6) Late fee for renewal of drivers' permit, \$10.00.
- (7) Company permit, \$100.00.
- (8) Renewal of company permit, \$50.00.
- (11) Vehicle semiannual inspection, \$25.00.
- (12) Transfer of driver to different company, \$15.00.

Be amended to read as follows:

- (4) Initial driver's permit, \$75.00.
- (5) Renewal of driver's permit, \$60.00.
- (6) Late fee for renewal of driver's permit, \$25.00.
- (7) Company permit, \$250.00.
- (8) Renewal of company permit, \$150.00.
- (11) Vehicle semiannual inspection, \$50.00.
- (12) Transfer of driver to different company, \$40.00.

Section 2: That Chapter 162, Article II, Division 1, Section 162-33 of the Code of Ordinances of the City of Atlanta, be amended, such that:

- (1) A new Section 162-33 (19) shall be added that shall read as follows:
 - "(19) Re-Inspection Fee, \$25.00."

Section 3: That all existing ordinances or parts of ordinances in conflict with this ordinance shall be waived to the extent of the conflict.

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TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE ATTN: GREG PRIDGEON
Legislative Counsel (Signature): Taken Drandus S-Terry Grandusn
Contact Number:6946
Originating Department:Finance Committee(s) of Purview Public Safety and Legal Administration
Committee(s) of Purview Public Safety and Legal Administration
Council Deadline:8/14/06
Committee Meeting Date(s):8/29 -8/30 Full Council Date:9/5/06_
Commissioner Signature
CAPTION
AN ORDINANCE AMENDING CHAPTER 162, ARTICLE II, DIVISION 1, SECTION 162-33 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA ("CITY"), GEORGIA, ON BEHALF OF THE DEPARTMENT OF POLICE, BUREAU OF TAXICABS AND VEHICLES FOR HIRE ("DEPARTMENT"), FOR THE PURPOSE OF INCREASING THE FEES THE CITY ASSESSES TAXICAB DRIVERS AND TAXICAB COMPANIES IN ORDER TO OFF-SET THE FUNDING THAT'S PROVIDED BY THE CITY TO SUBSIDIZED THE DEPARTMENT'S OPERATING BUDGET; TO CREATE A TAXICAB RE-INSPECTION FEE; AND FOR OTHER PURPOSES.
FINANCIAL IMPACT (if any): No Matching Grant Funds Required
Mayor's Staff Only
Received by Mayor's Office: 8.17.06 Reviewed by: (date)
Submitted to Council: (date)



A RESOLUTION BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH THE CITY OF SANDY SPRINGS FOR THE USE OF FIRE STATION 39, LOCATED AT 4697 WIEUCA ROAD NW, ATLANTA, GEORGIA, FOR A PERIOD OF FIVE YEARS, AT A RATE OF \$1.00 PER YEAR, TO BE DEPOSITED TO FUND ACCOUNT AND CENTER NUMBER 1A01 (GENERAL FUND) 462201 (BUILDING RENTALS) B00001 (GENERAL- REVENUE CENTER); TO ENTER INTO AN AGREEMENT OF MUTUAL AID AND AUTOMATIC RESPONSE WITH THE CITY OF SANDY SPRINGS; TO TERMINATE THE LEASE AGREEMENT BETWEEN THE CITY OF ATLANTA AND FULTON COUNTY FOR FIRE STATION 39; AND FOR OTHER PURPOSES.

WHEREAS, Resolution 05-R-0740 authorized the Mayor to enter into a lease agreement with Fulton County for the use of Atlanta Fire and Rescue Station 39, located at 4697 Wieuca Road N.E., Atlanta, Georgia; and

WHEREAS, Fire Station 39 serviced parts of unincorporated Fulton County and the City of Atlanta; and

WHEREAS, certain areas of Fulton County which are serviced by Fire Station 39 are now a part of the City of Sandy Springs; and

WHEREAS, the City of Atlanta and the City of Sandy Springs have determined that it is to the mutual advantage and benefit of each of the parties that they render supplemental assistance in providing local emergency, fire suppression, protection, prevention, and emergency medical services to the other party in the event of a fire or other local emergency; and

WHEREAS, the lease agreement between the City and Fulton County is set to expire in March 2007; and

WHEREAS, the City desires to terminate the lease agreement with Fulton County, and enter into an Agreement of Mutual Aide and Automatic Response with the City of Sandy Springs, as well as a lease agreement with the City of Sandy Springs for the use of Fire Station 39.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor is hereby authorized to terminate the lease agreement with Fulton County for the use of Fire Station 39 located at 4697 Wieuca Road, N.E., Atlanta, Georgia, effective December 2006.

BE IT FURTHER RESOLVED, that the Mayor is authorized to enter into an Agreement of Mutual Aide and Automatic Response with the City of Sandy Springs, as

well as a lease agreement with the City of Sandy Springs for Fire Station 39 for a period of five (5) years at a rate of \$1.00 per year.

BE IT FINALLY RESOLVED, that all revenue generated from the lease agreement with the City of Sandy Springs shall be deposited to Fund Account and Center number 1A01 (General Fund) 462201 (Building Rentals) B00001 (General-Revenue Center).

Agreement of Mutual Aid and Automatic Response

This agreement is made and entered into thisday of	by and between
the City of Sandy Springs, a political subdivision of the state of Georgia, ac	ting by and through its
duly elected city council, and the City of Atlanta, Georgia, organized and e	xisting under the laws
of the State of Georgia, acting by and through its duly elected city officials.	

WITNESSETH:

WHEREAS, the City of Sandy Springs, Georgia and the City of Atlanta, Georgia are contiguous; and

WHEREAS, the City of Sandy Springs and the City of Atlanta, Georgia each maintain and staff a fire department for the purpose of fire suppression, protection, prevention, emergency medical, other emergency services, and

WHEREAS, the City of Sandy Springs and the City of Atlanta, Georgia have determined that it is to the mutual advantage and benefit of each of the parties hereto that they render supplemental fire suppression, protection, prevention and emergency medical to the other party in the event of fire or other local emergency, and to take part in the joint training exercises, and,

WHEREAS it is the desire of the signatories hereto to enter into this agreement for mutual and first response, pursuant to the 1983 Constitution of the State of Georgia, Article IX, Section II, Paragraph 3.

NOW THEREFORE, in consideration of the mutual covenants contained herein, and for the other good and valuable consideration the parties hereunto agree as follows:

ARTICLE I- FIRST RESPONSE AUTOMATIC AID

Paragraph 1.0 The parties shall establish a mutually beneficial response district within and up to certain feasible boundary limits as designated and agreed upon by the City of Sandy Springs Fire Chief and the City of Atlanta Fire Chief and attached and incorporated hereto as Addendum A and hereinafter referred to as "response district".

Paragraph 1.1 In the event of any fire, rescue, disturbance, or other fire related local emergency occurs in the response district, the City of Sandy Springs and the City of Atlanta shall furnish such fire suppression, prevention, protection, and rescue services as may be reasonable required to cope with such emergency, as part of the first response assignment, subject to the limitations hereinafter set forth in this agreement.

ARTICLE II -MUTUAL AID

Paragraph 2.0 The level of first response automatic aid and secondary mutual aid shall be extended to a level agreed upon by the City of Sandy Springs Fire Chief and the City of

Atlanta Fire Chief as described in Addendum B attached hereto and by this reference incorporated herein. The party furnishing aid shall determine the actual amount of equipment and staff it will extend in each instance of emergency based on the available personnel and equipment and of local conditions at the time of the emergency.

- Paragraph 2.1 It is expressly understood that the aid actually furnished may be recalled at the sole discretion of the Fire Chief or Commissioner/ Director of Public Safety of Public Safety of the furnishing jurisdiction if circumstances warrant.
- Paragraph 2.2 It is further agreed that the parties will participate in joint training exercises in order to insure basic standardization of operations and philosophy, to the extent necessary as determined and agreed upon by the Fire Chiefs for each party.

ARTICLE III- SUPERVISION

- Paragraph 3.0 The furnishing jurisdiction shall not furnish a Battalion Chief or Assistant Chief unless the jurisdiction receiving the aid does not have a Battalion Chief or Assistant Chief available and a specific request for a Battalion Chief or Assistant Chief is made at time that the request for aid is made.
- Paragraph 3.1 If a Battalion Chief or Assistant Chief is requested, then that officer is expected to coordinate and give the general directions as to the work to be done. This officer is expected to be in command until properly relieved by the jurisdiction receiving aid.
- Paragraph 3.2 Personnel who are furnished will work as far as possible under their own supervisors and with their own equipment except as provided in Paragraph 3.1.
- Paragraph 3.3 All general direction relative to the work will be given by the appropriate officers of the jurisdiction receiving the aid except as provided in Paragraph 3.1.
- Paragraph 3.4 The receiving jurisdiction will be responsible for providing gasoline, diesel fuel, oil and other material as needed for use of equipment at the scene of the emergency or payment upon receipt of invoice after the emergency.

ARTICLE IV-LIABILITY

- Paragraph 4.0 There should be no liability imposed on any party or its personnel for failure to respond for the purpose of extinguishing or controlling fire or other immediate response emergency.
- Paragraph 4.1 Every employee shall be deemed to be the employee and agent of his regular employer, and under no circumstance shall any employee be deemed to be an employee or agent of any entity other than his regular employer.
- Paragraph 4.2 All repairs of damages to any equipment or apparatus shall be done by the owner jurisdiction.

ARTICLE V-COMPENSATION

- Paragraph 5.0 No party under this agreement will be required to pay any compensation to the other party under this agreement for services rendered pursuant to this agreement.
- Paragraph 5.1 The mutual advantage and protection afforded by this agreement is considered adequate compensation to both parties.
- Paragraph 5.2 Each party to this agreement shall comply with workers compensation laws of the State of Georgia without any cost to the other party.
- Paragraph 5.3. Each party shall pay its own personnel without cost to the other party except as to the provision of fuels and other material for use of equipment at the scene of the emergency pursuant to Paragraph 3.4 above.

ARTICLE VI-RELEASE OF CLAIMS

Paragraph 6.0 Each of the parties agree to release the other party from any and all liabilities, claims, judgment, cost or demands for damage to that party's property whether directly existing or indirectly arising out of the use of any vehicle, equipment or apparatus being used by the other party during the provision of service pursuant to this agreement.

ARTICLE VII-INJURIES TO PERSONNEL

Paragraph 7.0 Any damage or other compensation which is required to be paid to any fire employee by reason of their injury occurring while their services are being utilized pursuant to this agreement shall be the sole liability and responsibility of the party regularly employing that person.

ARTICLE VIII-INJURIES TO PERSONNEL

Paragraph 8.0 This agreement shall not be construed as, or deemed to be, an agreement for the benefit of the third party or parties, and no third party or parties shall have any right of action hereunder for any cause whatsoever.

ARTICLE IX-TERM OF AGREEMENT

Paragraph 9.0 This agreement shall commence	on the date of its entry on the Minutes of
the	
of the	City Council in open meeting and
spread on the Minutes of the governing body of Atlan	ta, Georgia and shall continue until
December 31. This agreement shall automatically be	renewed by the parties on January 1st,
and each year thereafter on January 1st unless and until	il such time as written notices of
termination or modification is received by either party	within ninety (90) days of the expiration

of the term of this agreement on December 31st.

Paragraph 9.1 Nothing in this Article shall preclude termination pursuant to Article 15.

ARTICLE X-DISPATCHING OF ALARM

Paragraph 10.0 The dispatcher of the party having control will dispatch the departments' pre-assigned apparatus first.

Paragraph 10.1 The dispatcher will then contact the Chief-in-charge or his/her designee for the Fire Department providing automatic aid and inform them to dispatch the agreed upon AUTOMATIC AID apparatus to the alarm.

Paragraph 10.2 When dispatching apparatus to a location involving AUTOMATIC AID, each party's dispatcher will announce that AUTOMATIC AID is responding. This will enable the officer in charge of the assignment to know precisely what equipment the officer can expect to arrive on the scene.

ARTICLE XI-FIRE SCENE COMMUNICATIONS

Paragraph 11.0 The officer in charge of the jurisdiction having control shall provide specific instructions to the AUTOMATIC AID officer arriving on the emergency scene unless and until a more sophisticated fire scene communications system can be provided for the automatic aid system.

Paragraph 11.1 Whenever possible, the officer in charge of the emergency should provide the AUTOMATIC AID officer with a portable radio for use during the emergency.

Paragraph 11.2 Upon arriving on the scene, the AUTOMATIC AID officer shall keep his department informed of his status. If it appears the automatic aid equipment will be needed on the scene for an extended period of time, the AUTOMATIC AID officer should so advise his dispatcher. This will allow the department providing automatic aid to better prepare for covering this company's territory while it is committed to the AUTOMATIC AID assignment.

ARTICLE XII-MOVE UP OF EQUIPMENT

Paragraph 12.0 Each party agrees and acknowledges that it will be the responsibility of each party to provide the backup coverage necessary of their department.

ARTICLE XIII-ADMINISTRATION

Paragraph 13.0 It is agreed by each of the parties that for the purpose of liaison and administration, the City of Sandy Springs Fire Chief and the City of Atlanta Fire Chief shall be jointly responsible.

ARTICLE XIV-ENTIRE AGREEMENT

Paragraph 14.0 This agreement shall constitute the entire agreement between the parties and no modification shall be binding upon the parties unless evidenced by a subsequent written agreement signed by the City of Sandy Springs, acting by and through its Mayor and City Council, and the City of Atlanta, acting by and through its Mayor and City Council.

Paragraph 14.1 This agreement shall be the sole instrument for the provision of an emergency fire service between parties hereto.

ARTICLE XV-TERMINATION

Paragraph 15.0 Either party to this agreement may terminate the agreement by giving not less than ninety (90) days written notice to the other party and upon the running of ninety (90) days from such written notice, this agreement shall be terminated.

ARTICLE XVI-SEVERABILITY OF TERMS

Paragraph 16.0. In the event any part or provision of this agreement is held to be invalid, the remainder of this agreement shall not be affected thereby and shall continue in full force and effect.

ARTICLE XVII-GOVERNING LAW

Paragraph 17.0. This agreement shall govern in all respects as to the validity, construction capacity, or otherwise by the laws of the State of Georgia.		
(Remainder of page intentionally left blank)		

IN WITNESS WHEREOF, the parties hereof and hereto set their hands and seals.

SANDY SPRINGS, GEORGIA	ATLANTA, GEORGIA
Mayor, City of Sandy Springs	Mayor, City of Atlanta
Fire Chief, City of Sandy Springs	Fire Chief, City of Atlanta Fire
Attest:	Attest:
Clerk, City of Sandy Springs	Clerk, City of Atlanta
APPROVED AS TO FORM:	
Attorney, City of Sandy Springs	Attorney, City of Atlanta
• •	

LEASE AGREEMENT BETWEEN THE CITY OF ATLANTA AND THE CITY OF SANDY SPRINGS, GEORGIA FOR THE USE OF ATLANTA FIRE STATION 39

	·
THIS LEASE, made and entered into this _	day of,
2006, by and between the City of Atlanta (hereinafte	er referred to as "City"), a political
subdivision of the State of Georgia, acting by and th	rough its duly elected Mayor and
City Council, and the City of Sandy Springs (hereing	after referred to as "Sandy Springs"),
a political subdivision of the State of Georgia, acting	g by and through its duly elected
Mayor and City Council. This lease is authorized to	a resolution adopted by the Atlanta
City Council and approved by the Mayor, a copy of	said resolution which is attached as
Exhibit A and by reference hereby incorporated here	ein.

This lease shall create the relationship of Landlord and Tenant between the parties hereto. The City shall be Landlord and Sandy Springs shall be Tenant. No estate shall pass out of the City. Sandy Springs only has a usufruct, not subject to levy and sale, and not assignable by Sandy Springs, except by written consent of the City.

WITNESSETH:

WHEREAS, the City of Atlanta and the City of Sandy Springs are contiguous; and

WHEREAS, the City of Atlanta and the City of Sandy Springs each maintain and staff a fire department for the purposes of providing fire suppression, protection, prevention and emergency medical services; and

WHEREAS, the City of Atlanta and the City of Sandy Springs have determined that it is to the mutual advantage and benefit of each of the parties hereto that they render supplemental assistance in providing local emergency, fire suppression, protection, prevention, and emergency medical services to the other party in the event of a fire or other local emergency; and

WHEREAS the City of Atlanta and County of Fulton, Georgia, entered into the Agreement of Mutual Aid and Automatic Response on April 6, 1994 (the "Fulton County Mutual Aid Agreement") as well as the lease agreement for Atlanta Fire rescues Station 39 (hereinafter referred to as "Fire Station 39") on May 2, 2005 (the "Fulton County Lease"); and

WHEREAS the City of Atlanta, with the consent of Fulton County, intends to cancel the Fulton County lease effective on a date between December 15, 2006 and December 25, 2006, and to enter into a new lease with Sandy Springs with an effective date between December 15, 2006 and December 25, 2006, the specific dates to be agreed upon by the City, Sandy Springs and Fulton County; and

WHEREAS, the City of Atlanta and Sandy Springs intend to enter into an agreement for mutual aid and first response pursuant to the 1983 Constitution of the State of Georgia, Article IX, Section II, Paragraph 3 and Article IX, Section III, Paragraph 1 concurrently with this lease agreement attached as Exhibit B and by reference hereby incorporated herein.

NOW THERFORE, in consideration of the mutual covenants contained herein, and for other good and valuable consideration, the parties hereunto agree as follows:

ARTICLE I – USE OF FACILITIES

- Paragraph 1.0. Sandy Springs agrees to provide fire protection services for City within no less than a two (2) mile radius of Fire Station 39.
- Paragraph 1.1. City agrees that Sandy Springs has sole and exclusive possession of Fire Station 39 through its lease and shall continue such possession until termination hereunder.
- Paragraph 1.2. City acknowledges that the lease spaces shall be used primarily to provide fire protection services to Sandy Springs in areas designated and described in Exhibit C attached and by this reference incorporated herein.
- Paragraph 1.3. City agrees to provide the use of Fire Station 39, located at 4697 Wieuca Road NE, to Sandy Springs primarily to house fire apparatus and personnel of the Sandy Springs Fire Department. Notwithstanding anything to the contrary herein, City reserves the right to store additional fire apparatus within the basement of Fire Station 39 for use by the Atlanta Fire Rescue Department (hereinafter referred to as "AFRD"), and reserves the right to use the conference room facilities located in said basement.
- Paragraph 1.4. At all times possible herein, the City shall retain title to Fire Station 39, the property and the facilities.
- Paragraph 1.5. The City agrees that upon commencement of the Lease, Fire Station 39 shall be identified to the public and to all City and Sandy Springs Personnel as the "Atlanta-Sandy Springs Fire Station #4."
 - Paragraph 1.6. The City agrees to be responsible for providing the following:
 - 1. A base station communications radio transceiver, mobile unit, and portable radio for the purposes of communications with the Atlanta Fire Communication Center;
 - 2. The refrigerator presently on the premises; and

3. An approved underground or aboveground storage tank for storage of petroleum fuels for fire apparatus and an approved pump device to deliver the fuel from the tank to the fire apparatus fuel tank, at the time of occupancy.

Paragraph 1.7. Sandy Springs agrees to be responsible for providing the following:

- 1. Maintenance, inspection and upkeep of the underground storage tank;
- 2. Any fuels to be used in fire apparatus used by Sandy Springs in the underground storage tank;
- 3. Maintenance of the structural integrity of the building and normal preventive practices to maintain the station in a safe and reasonable manner, inclusive of the auxiliary power unit;
- 4. Normal cleaning and general daily maintenance of the fire station, both internal and external;
- 5. Small equipment to maintain the fire station, including but not limited to a lawn mower, cleaning supplies and paper supplies;
- 6. Furnishings for personnel assigned to the fire station;
- 7. Any capital improvements that will enhance living and working conditions;
- 8. Repairs caused by negligence of Sandy Springs employees;
- 9. Prompt notification to the Atlanta Fire Rescue Department Real Property Chief of any items needing attention for which the City is responsible pursuant to the terms and conditions of the Lease herein; and
- 10. All natural gas, electrical, water, and telephone services as required for the operation of the station.

Paragraph 1.8. Sandy Springs agrees that no modifications, improvements, alterations or additions may be made to said premises without the prior written consent of the City. Any additions caused by Sandy Springs shall become the property of the City upon the termination of this Lease.

Paragraph 1.9. Sandy Springs indemnifies and holds the City harmless from and against any and all loss, cost, liability, damage and expense Sandy Springs may suffer or

incur, including, without limitation, attorneys fees and courts costs, arising from or related to the Sandy Spring's renovation, use and occupancy of the premises.

ARTICLE II - COMPENSATION

Paragraph 2.0. Sandy Springs agrees that upon commencement of the Lease, it shall provide to the City rent payments of ONE DOLLAR (\$1.00) per year for each year of the Lease.

ARTICLE III - AUTOMATIC RESPONSE

Said Lease shall cover:

Paragraph 3.0. Sandy Springs shall provide at least one approved Class A fire pumper with a pumping capacity of not less than 1500 gallons per minute and staffed with not less than four (4) State of Georgia Standard and Training Council certified firefighters and minimally trained to EMT-1 level to respond to an automatic response area as determined by the AFRD.

ARTICLE IV - NOTIFICATION & COMMUNICATIONS

- Paragraph 4.0. Sandy Springs agrees that when the Atlanta Fire Rescue Communications Center receives a call in the Fire Station 39 area, the City will dispatch the alarm to Fire Station 39 by telephone and/or radio.
- Paragraph 4.1. City agrees that the alarm information will be relayed to Sandy Springs Communication Center, or government acting as the Sandy Springs Communications Center, by telephone.
- Paragraph 4.2. Sandy Springs agrees that once the Fire Station 39 unit is responding, the unit shall acknowledge it is responding on the Atlanta Fire radio assigned to is unit. All communications should remain with the Atlanta 911 Communications Center pursuant to AFD.SOP 92.6, included herewith as Exhibit D, until the incident is terminated and the fire unit has returned to the fire station.
- Paragraph 4.3. Sandy Springs agrees that when the Fire Station 39 unit is responding to an alarm in Sandy Springs, or is otherwise out of service, it shall notify Atlanta 911 Communications so that Atlanta can make adequate provisions to provide continued protection to the City area.

Paragraph 4.4. City agrees to provide Atlanta Fire Rescue Communications personnel to conduct training in the use of the City's communication equipment and procedures to Sandy Spring's personnel assigned to Fire Station 39.

Paragraph 4.5. Sandy Springs agrees that upon receiving a verbal alarm at Fire Station 39, personnel on duty shall notify Atlanta Fire Rescue Communications Center of the situation and any intended action.

Paragraph 4.6. Both City and Sandy Springs agree that should either communications system fail, the other party will be notified.

ARTICLE V – TERMINATION

Paragraph 5.0. The term of this Lease shall commence upon approval of the governing bodies of Sandy Springs and the City of Atlanta, and shall continue for an initial term not to exceed two (2) years, to be renewed only by approval of said governing bodies.

Paragraph 5.1. In the event that either party wishes to terminate the Lease, they may do so by providing the other party with not less than ninety (90) days prior written notice.

Paragraph 5.2. In the event that Fire Station 39 is totally destroyed by storm, fire, lightening, earthquake, or other casualty, the Lease shall terminate as of the date of destruction.

ARTICLE VI - NOTIFICATION & COMMUNICATIONS

Paragraph 6.0. Any notice hereunder shall be sufficient if sent by registered or certified U.S. Mail, addressed to:

Sandy Springs:

Chief Jack McElfish, Fire Chief City of Sandy Springs Fire Department 7840 Roswell Road, Suite 550 Sandy Springs, Georgia 30346

City of Atlanta:

Chief D. L. Rubin, Fire Chief City of Atlanta Fire Rescue Department 675 Ponce de Leon Avenue, NE, Suite 2001 Atlanta, Georgia 30308-1807

ARTICLE VII - VARIATIONS OR MODIFICATIONS TO LEASE

Paragraph 7.0. The lease agreement and $\underline{\text{Exhibits A, B, C}}$ and $\underline{\text{D}}$ incorporated herein constitute the entire agreement between the City and Sandy Springs and there are no further written or oral arguments with respect thereto. No variation or modification of the agreement, and no waiver of this provision, shall be valid unless in writing and signed by parties hereto.

ARTICLE VIII - GOVERNING LAW

Paragraph 8.0. This lease agreement shall be governed in all respects, as to validity, construction, and capacity, performance, or otherwise, by the laws of the State of Georgia.

IN WITNESS THEREOF, the parties hereto have set their hands and seals.

THE CITY OF ATLANTA, a political subdivision of the State of Georgia

Mayor, City of Atlanta

Chief, Atlanta Fire Department

Chief Financial Officer

Chief Operating Officer

Clerk, City of Atlanta
APPROVED AS TO FORM:

City Attorney

ATTEST:

THE CITY OF SANDY SPRINGS, a political subdivision of the State of Georgia

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE	ATTN: GREG PRIDGEON			
Legislative Counsel (Signature):_Simone D. Brathwaite	Lou Massall			
Contact Number:x 6310				
Originating Department: _Department of Fire and Rescue				
Committee(s) of Purview:Public Safety and Legal Administration				
Council Deadline:August 28, 2006				
Committee Meeting Date(s):September 12-13, 2006_ Full Council Date: September 18, 2006				
Commissioner Signature Dennie L. Rubin	Amy			
CAPTION A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH THE CITY OF SANDY SPRINGS FOR THE USE OF FIRE STATION 39, LOCATED AT 4697 WIEUCA ROAD NW, ATLANTA, GEORGIA, FOR A PERIOD OF FIVE YEARS, AT A RATE OF \$1.00 PER YEAR, TO BE DEPOSITED TO FUND ACCOUNT AND CENTER NUMBER 1A01 (GENERAL FUND) 462201 (BUILDING RENTALS) B00001 (GENERAL- REVENUE CENTER); TO ENTER INTO AN AGREEMENT OF MUTUAL AID AND AUTOMATIC RESPONSE WITH THE CITY OF SANDY SPRINGS; TO TERMINATE THE LEASE AGREEMENT BETWEEN THE CITY OF ATLANTA AND FULTON COUNTY FOR FIRE STATION 39; AND FOR OTHER PURPOSES.				
FINANCIAL IMPACT: \$1.00 per year				
Mayor's Staff Only				
Received by Mayor's Office: 8.39.66 Review	ewed by: (date)			
Submitted to Council:				